LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

THE MANITOBA
HUMAN RIGHTS
COMMISSION

1986 Annual Report

The Manitoba Human Rights Commission
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Cover: The cover of this report features a poster created by Karen Rasmussen, one of the runners-up in the Commission's 1983 poster contest.

Manitoba

Attorney General

Winnipeg, Manitoba, CANADA
R3C 0V8

His Honour,

George Johnson,

Lieutenant-Governor for the Province

of Manitoba.

Sir:

May it please your Honour, it is my pleasure to present to your Honour the Annual Report of The Human Rights Commission for the year 1986.

The Annual Report of the Human Rights Commission once again demonstrates the valuable work this agency is doing in defending human rights in Manitoba.

It is my hope that the Manitoba Legislature will endorse a new Human Rights Act which will be introduced during the current session of the Legislature. The proposed new Human Rights Act will considerably strengthen the existing act and indeed in my view will put Manitoba well in the lead in the defence of human rights and, in particular, the never ending battle against discrimination.

Roland Penner, Q.C.

LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

THE MANITOBA HUMAN RIGHTS COMMISSION

The Honourable Roland Penner, Q.C.

Attorney-General

Legislative Building

Winnipeg, Manitoba

R3C 0V8

Sir:

We are pleased to forward to you, the Minister responsible for administration of the Manitoba Human Rights Act, the Annual Report of the Manitoba Human Rights Commission for the calendar year ending December 31, 1986.

Claudia Wright

Claudia Wright

Chairperson

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The Commissioners

Chairperson:
Claudia Wright

Commissioners: (As at December 31, 1986)

		Term Expires
Claudia Wright	Chairperson	1988
Marek Debicki	Vice-Chairperson	1988
Louise Cloutier	Commissioner	1987
Lorraine Sigurdson	Commissioner	1987
Brigitte Graba	Commissioner	1987
Socorro Juan	Commissioner	1987
Raj Mehta	Commissioner	1988
Jill Oliver	Commissioner	1988
Wayne Courchene	Commissioner	1988
Francesco Grande	Commissioner	1989
Patricia Turner	Commissioner	1989
Marion Robinsong	Commissioner	1989
Marianne Bossen	Commissioner	1989

(For biographies of Commissioners, see Appendix D)

Minister:

The Honourable Roland Penner, Q.C.
Attorney-General

The Staff (as at December 31, 1986)

Executive Director:
Darlene Germscheid

Administrative Support Services

Administrative Officer:
Linda Kopys

Administrative Secretaries:
Frieda Brandt
Donna Harland
Lora Kirby
Donna May
Jeannette Roque
Maureen Sorokowski

The Pas Office

Regional Supervisor:
Ronald Chief

Regional Intake Officer:
Elizabeth Bennett

Public Programs

Education Officers:
Judith Burch
Roger Young

Special Programs Officer:
Sharon Wickman

Intake

Intake Counsellors:
Katherine Fraser-Hominick
Steve Landon

Legal Counsel:
Aaron Berg
Civil Litigation Branch
Dept. of Attorney-General

Enforcement

Chief Enforcement Officer:
Mariann Burka

Enforcement Officers:
Buelah Blake
Patrick Daly
Barbara Delorme
Sandra Devon
Nancy Flintoft Meronek
Kenneth Swain
Sharon Wickman
Stanley Wood

Brandon Office

Regional Supervisor:
Peggy Pchajek

Regional Secretary:
Isobel Michie

The Function of the Manitoba Human Rights Commission

The Universal Declaration of Human Rights declares that: "All human beings are born free and equal in dignity and rights." In Manitoba, this ideal has been translated into law by *The Human Rights Act*, a provincial statute which prohibits discrimination on the basis of race, nationality, religion, sex, age, handicap, or other group stereotypes.

The Manitoba Human Rights Commission is the agency chiefly responsible for carrying out the provisions of *The Human Rights Act*. The Commission is authorized by *The Act* to administer the enforcement provisions, to carry out educational activities, and to consider and approve applications for approval of Special Programs in employment, housing, and services. Through these activities, the Commission attempts to reduce discrimination and promote social change leading to equal opportunity for all.

All services provided by the Commission are available to the public without charge.

Enforcement of The Human Rights Act

The Human Rights Act specifically prohibits discrimination on the basis of race, colour, nationality, ethnic or national origin, sex, marital status, physical or mental handicap, age, family status, source of income, religion and political belief. It also prohibits discrimination based on unspecified group factors when the differential treatment is without reasonable cause.

The jurisdiction of the Human Rights Commission is restricted to matters within the constitutional authority of the provincial legislature. Most activities carried on in the province fall within provincial jurisdiction. However complaints against certain federally regulated enterprises, such as airlines, railways and the federal civil service, should be filed with the Canadian Human Rights Commission (telephone 949-2189). The staff of either commission will answer any questions regarding the appropriate jurisdiction to deal with a particular complaint.

The enforcement program of the Commission includes those activities related to the acceptance and disposition of Complaints of Discrimination. The objectives of the enforcement program are to reduce discriminatory behaviour and to alleviate the effects of discrimination by:

a) accepting and investigating complaints with a view to accurately identifying the existence of illegal discrimination, and

b) affecting settlements which ensure future compliance with *The Human Rights Act* and appropriate remedies for the victims of illegal discrimination, and

c) ensuring that complaints which cannot be reasonably resolved through voluntary conciliation are brought to adjudication.

Any person who believes that someone has contravened a provision of *The Human Rights Act* is invited to contact one of the Commission's Intake Counsellors and discuss his or her concerns. All calls are confidential and the Commission will not act without the caller's consent. If the issue falls within the jurisdiction and scope of *The Act*, the details of the allegation are recorded and the Counsellor arranges an appointment to meet with the complainant to obtain a signed Complaint of Discrimination. A copy of this form is included as Appendix G. (*The Act* requires that a complaint be filed within six months of the alleged contravention.)

As soon as possible, the signed complaint form is served on the party who has been accused of the discriminatory behaviour (the respondent), and he or she is invited to respond to the allegations. A thorough investigation of the allegations and the response is then carried out to determine the facts of the matter and to ensure that the rights of both parties are fully protected. On conclusion of the investigation, the findings are assessed. If the allegation is not supported by the evidence, the complaint is dismissed. If it appears to be justified, attempts are made to resolve the matter through conciliation.

Conciliation is a process common to most Canadian human rights complaint procedures. This allows for complaints to be voluntarily resolved by the parties concerned without adjudication. All matters related to the conciliation stage are confidential and without prejudice.

Should a complaint not be resolved during the conciliation stage, it is referred to the board of Commissioners, who may determine that the matter should be decided by an impartial Adjudicator.

The Adjudicator is appointed by the Attorney-General to hold a formal public hearing. All parties to the complaint are invited to present their arguments. Witnesses may be called and are subject to cross-examination. The Commission has the carriage of the complaint and is represented by legal counsel. The respondent and the complainant may also be represented by legal counsel if they wish.

If the Adjudicator, after hearing all the evidence, rules that a contravention of *The Human Rights Act* has occurred, he or she has the authority to make an order requiring the respondent to comply with *The Act;* to provide the denied service, employment, or housing; to pay lost wages or out-of-pocket expenses incurred by the complainant; or to pay other damages as may be deemed appropriate by the Adjudicator.

If any party disagrees with an Adjudicator's decision, he or she may file an appeal in the Court of Queen's Bench within the time limit set out in *The Act.* In some cases, complaints may be appealed to the Manitoba Court of Appeal and even to the Supreme Court of Canada.

With the consent of the Attorney-General, criminal proceedings may be launched in certain cases where criminal prosecution for violation of *The Act* appears appropriate. If a person is found guilty in these proceedings, he or she may be subject to a fine of not less than one hundred dollars for an individual and not more than five thousand dollars for a corporation.

A chart of the Usual steps in Processing Complaints can be found at the end of this section.

Public Programs

It has long been understood by human rights practitioners that discrimination cannot be overcome by relying totally on the resolution of individual complaints. While persons who have been subjected to illegal discrimination must certainly have access to the remedies to which they are entitled under the law, there are some discriminatory practices which are more effectively dealt with through other means.

For example, there are many instances of illegal discrimination which are not brought to the attention of the Commission. Sometimes the victim may not be aware of his or her rights to a remedy under the law or may choose not to complain for a variety of reasons. In addition, negative and hostile attitudes based on prejudice and stereotypes often arise in situations which are beyond the jurisdiction of human rights legislation. Children taunt each other in the playground with racial slurs; people are humiliated and embarrassed when confronted with bigotry and prejudice in social settings or in public places; and neighbourhoods are torn apart by racism and intolerance.

There are also historical and systemically entrenched discriminatory practices which have limited opportunities for women and minority groups to the extent that they are still suffering the effects. To overcome these long-standing inequalities, it is often necessary to implement corrective measures by giving special preference to minority group members who have been traditionally denied access to certain kinds of training, education, job experience, or other opportunities.

The Human Rights Act acknowledges that a combination of approaches is necessary to effectively combat discrimination and its immediate and historical effect and mandates a variety of activities which are carried out by the Public Programs staff of the agency.

In addition to the requirement that the Commission accept and investigate formal complaints under *The Act,* Section 13 states that it is the function of the Commission to carry out programs which will forward the principle that every person is free and equal in dignity and rights; promote an understanding of, and compliance with *The Act;* and ensure that the residents of Manitoba understand their civil and legal rights. Recognizing the need for substantive remedial action when certain groups are systemically denied equality of opportunity, Section 9 of *The Act* gives the Commission the authority to approve affirmative action and other Special Programs which are designed to promote the "socio-economic welfare and equality in status" of such groups.

The Commission's education activities include a speaker service through which Commissioners and members of the staff are available to speak to groups about the rights and responsibilities described in *The Act* or any other topic related to human rights. Persons wishing to utilize the speaker service should contact the Human Rights Intake Counsellor.

The education program also includes outreach activities intended to maintain an ongoing liaison with various sectors of the community, and to assist and encourage community initiatives in activities designed to further the principles of human rights.

In addition, the Commission develops and conducts special education projects such as seminars, workshops, and contests. Various publications and audio-visual materials are produced by the Commission and loaned or distributed free of charge to the public. See Appendix E for a list of current materials.

If an employer, rental agent, or service agency wishes to implement an affirmative action plan or other Special Program which would provide preferential treatment to disadvantaged groups, the Commission will provide consultative services and will consider the program for prior approval if it meets established criteria thereby ensuring its compliance with *The Act.*

Those persons seeking prior approval should contact the Commission as soon as possible and be prepared to provide information about the designated target groups, starting and termination dates, and any other information which would demonstrate the manner in which the program would promote the "socio-economic welfare and equality in status" of the target groups. The Special Programs Officer is available to provide assistance and consultation in the completion of the application for approval.

In order to provide an opportunity for affected groups and individuals to express their views and share information about the potential impact of such programs, the public is notified of the receipt of applications by way of a notice in the major newspapers of the community in which the program is to be delivered. Written submissions are invited and, in some situations, public hearings may be held. All relevant information is considered by the Commission in the consideration of applications. If the program is approved, the applicant is advised in writing. With this written approval, the preferential treatment for the specified target group is permitted without contravention of *The Human Rights Act*. The approval may be revoked at any time if the Commission learns that the program is not being carried out in a manner consistent with the principles on which it was approved.

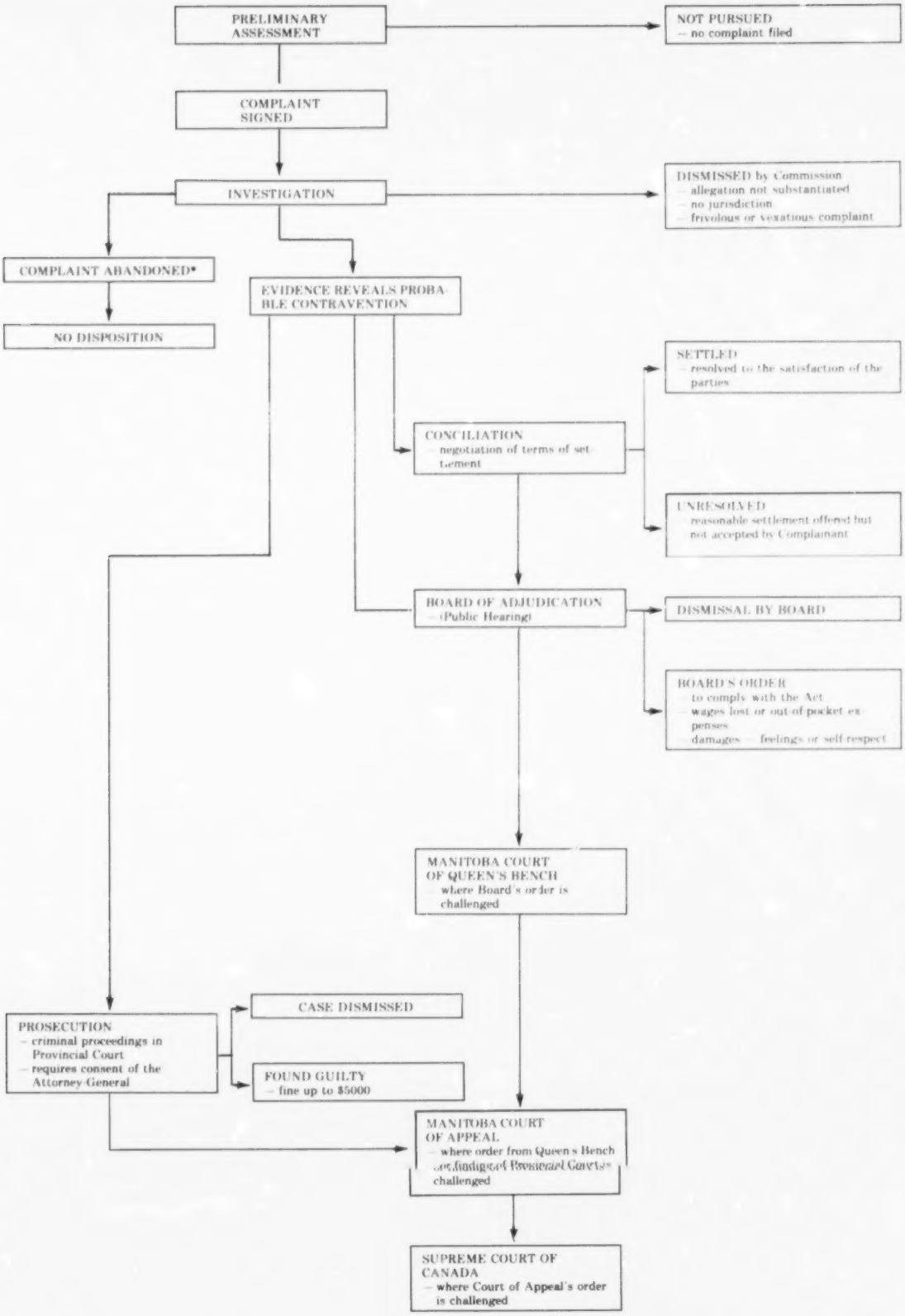
The Manitoba Human Rights Commission may only consider those programs and activities which fall within provincial jurisdiction. Those which fall within the jurisdiction of the federal government should be discussed with the Canadian Human Rights Commission.

National and International Liaison

The Manitoba Human Rights Commission is a member agency of three national and international organizations concerned with human rights. These are the Canadian Association of Statutory Human Rights Agencies (CASHRA), the International Association of Official Human Rights Agencies (IAOHRA), and the National Association of Human Rights Workers. Through membership in these organizations the Commissioners and staff are able to keep informed about recent developments in the field and participate in various staff development and training opportunities, in addition to contributing the knowledge gained from our own experiences and insights to the evolution of human rights theory and legislation.

Another important national liaison organization is the Continuing Federal/Provincial/Territorial Committee of Officials Responsible for Human Rights. Although the Commission is not formally connected with the Committee, the Executive Director has been appointed by the Attorney-General as Manitoba's Official Representative. This Committee is responsible for monitoring Canada's compliance with the various international conventions relating to human rights to which Canada is a party. Through the Committee, new and emerging human rights issues are brought to the attention of Ministers Responsible for Human Rights from all Canadian jurisdictions at regular Ministerial Conferences.

Usual Steps in Processing Complaints


PRELIMINARY ASSESSMENT
NOT PURSUED
— no complaint filed
COMPLAINT SIGNED
INVESTIGATION
DISMISSED by Commission
— allegation not substantiated
— no jurisdiction
— frivolous or vexatious complaint
COMPLAINT ABANDONED*
NO DISPOSITION
EVIDENCE REVEALS PROBABLE CONTRAVENTION
SETTLED
— resolved to the satisfaction of the parties
CONCILIATION
— negotiation of terms of settlement
UNRESOLVED
— reasonable settlement offered but not accepted by Complainant
BOARD OF ADJUDICATION
— (Public Hearing)
DISMISSAL BY BOARD
BOARD'S ORDER
— to comply with the Act
— wages lost or out-of-pocket expenses
— damages — feelings or self-respect
MANITOBA COURT OF QUEEN'S BENCH
— where Board's order is challenged
PROSECUTION
— criminal proceedings in Provincial Court
— requires consent of the Attorney General
CASE DISMISSED
FOUND GUILTY
— fine up to $5000
MANITOBA COURT OF APPEAL
— where order from Queen's Bench and findings of Provincial Courts challenged
SUPREME COURT OF CANADA
— where Court of Appeal's order is challenged

**If complaint is abandoned, the Commission may close the file without completing the investigation.*

Personnel

The Manitoba Human Rights Commission consists of two components. One component is the board of Commissioners, chosen from the public at large by the Lieutenant Governor-In-Council. The board meets on a monthly basis and is responsible for the policies and general direction of the Commission. The second component is the civil service staff, which carries out the day-to-day activities of the Commission.

The Responsibilities of The Board of Commissioners

Commissioners are selected from various geographic, cultural, social, and economic sectors of the province. They are appointed for three year terms, and serve on a part-time basis. There are thirteen Commissioners, one of whom is the Chairperson and another the Vice-Chairperson.

The board of Commissioners establishes the policies which determine the manner in which the professional staff administer the programs and activities of the agency, and monitors and evaluates such programs. It is also the function of the board to determine the appropriate disposition of complaints which have not been settled or withdrawn, and to approve Special Programs. All complaints and requests for Special Program approval are reviewed in detail by the board prior to disposition.

One point that should be stressed is that neither the staff nor the board of Commissioners has the authority to order compensation or remedies for persons who feel they have suffered as a result of discrimination. If it appears that *The Act* has been violated and efforts to reach a mutually agreeable settlement have been unsuccessful, the only further action which may be taken by the Commission is to request the Attorney-General to appoint an impartial adjudicator to hear the matter and make an appropriate order. Where a criminal prosecution for violation of *The Human Rights Act* appears to be appropriate (not a common occurrence) the Commission may recommend that the Attorney-General commence a prosecution.

The Duties of the Staff

Human rights work is a demanding profession. Human rights professionals are constantly placed in sensitive situations, and they must bring to their work a wide variety of skills. They are required to be effective listeners and to have the ability to relate to persons from varied backgrounds, while maintaining neutrality and objectivity.

Public Programs staff carry out intake and educational activities and deal with all matters related to Special Programs. Formal Complaints of Discrimination are handled by the Enforcement staff.

The Intake Counsellors respond to all inquiries from the public and will assist in the filing of formal complaints. They will accept requests for speaker services, provide information regarding other services of the Commission, and assist callers to reach appropriate alternate agencies if *The Human Rights Act* does not appear to be applicable.

One member of the Public Programs staff is designated as the Special Programs Officer. This person provides assistance to applicants for Special Program approval and assists the board of Commissioners in the processing of applications. The Special Programs Officer is also involved in educational and other programs intended to promote and facilitate the development of affirmative action and other Special Programs.

The Education Officers are involved in a variety of educational activities including speaker services, outreach, and general consultation. Education Officers work with business, community groups, and other institutions and organizations in the delivery of human rights education programs.

Enforcement Officers are responsible for the investigation and conciliation of complaints. Coupled with investigative skills, officers must also be able to negotiate settlements between often hostile parties without compromising the intent of *The Act*.

The quality and efficiency of the work carried out by the Commission is greatly enhanced by a small complement of competent and dedicated support staff who provide the necessary administrative support services.

In each of the Commission's regional offices, the Regional Supervisor investigates and conciliates complaints, conducts educational activities, and supervises the general administration of the office. In The Pas, the Intake Clerk responds to inquiries and accepts complaints, and provides clerical and secretarial support services. The Regional Supervisor in Brandon is assisted by a secretary-receptionist.

The staff work under the direction of the Executive Director, who is responsible to both the board of Commissioners and the Department of the Attorney-General for the effective operation of the Commission.

An Overview of 1986 Activities

As nineteen eighty-six drew to a close, the Manitoba Human Rights Commission saw many of the projects and activities of the past few years begin to show signs of fruition.

Between 1982 and 1984, the Manitoba Human Rights Commission developed a proposal for a new human rights code for the province of Manitoba. In the Annual Report of 1984, the Commission "strongly urged the Government of Manitoba to consider the introduction of the new Proposed Code of Human Rights at the next session of the Legislature." This request was reiterated in the 1985 report. Now, at the end of 1986, it appears that serious consideration is being given to this proposal and that new human rights legislation may become a reality in the coming year.

For several years, the Commission has been working towards the introduction of regulations for employee benefit plans as they are affected by Section 7(2) of *The Human Rights Act*. As stated in previous annual reports, these regulations are necessary to clarify the conditions under which exceptions will be permitted to the overall prohibitions against distinctions on the basis of age, sex, family or marital status, or physical or mental handicap. During 1986, the Commission was invited to work with government officials in the development of further refinements to the draft and it now appears that regulations will be ready for adoption in 1987.

Throughout the year, the Commission continued its efforts to increase efficiency and made considerable gains in this area. One example is the effect of the new procedures for intake which were described in the 1985 Annual Report. During that year, 168 files (38% of all files) were opened as possible complaints and subsequently closed with no formal complaint having been filed. Under the new procedure, this was reduced to 31 such files (11% of all files) in 1986. This represents a saving of almost a full staff year.

This past year also saw the implementation of other needed administrative and organizational improvements, some of which had been planned for three or four years.

The backlog of unassigned cases remained relatively constant in 1986 (see graph on page 40) and, with the acquisition of another enforcement position which was filled towards the end of the year, there is reason to anticipate that the backlog will diminish considerably over the coming months.

The year has not, however, been totally devoid of frustration and disappointment. The Commission continues to be concerned about the impact of the backlog on the complaint process, and remains sensitive to the frustration of both complainants and respondents when faced with the inevitable delays in investigation and resolution of complaints. There were also some disappointing decisions with respect to cases before Boards of Adjudication and the Manitoba courts (see Enforcement on page 12).

Nonetheless, 1986 may well have set the stage for renewed optimism and hope for more effective protection of human rights in Manitoba.

Board of Commissioners

Three vacancies on the board of Commissioners were filled over the course of the year with the appointment of Patricia Turner, Lorraine Sigurdson, and Brigitte Graba. In April, the terms of John Lane and Mario Santos expired and Marianne Bossen and Francesco Grande were appointed to fill these vacancies. Another Commissioner, Paul Laporte, resigned and his term was filled by the appointment of Socorro Juan.

Marion Robinsong, whose term also expired in 1986, was reappointed for another three years.

There were no vacancies at year end.

Biographical information about the Commissioners can be found in Appendix D.

Staff

With the filling of vacancies carried over from the previous year, Roger Young was able to return to his duties as an Education Officer after several months of enforcement duties.

One and one-half new positions were allocated to the Commission in 1986. As it had become evident that a half time Regional Secretary was insufficient to meet the requirements of the new Brandon office, the half staff year was used to expand this position to full time. The full time enforcement position was filled by the promotion of Intake Counsellor, Barb Delorme (formerly Stanford). The successful applicant in the competition for Intake Counsellor was Katherine Fraser-Hominick.

The Commission was also fortunate to obtain the services of Lora Kirby who has temporarily joined the staff as an administrative secretary.

A vacancy occurred with the resignation of the receptionist in the Winnipeg office. This position was filled by Donna Harland. The resignation of one of the Enforcement Officers left a vacancy which had not been filled at year end.

Enforcement

Despite the welcome addition of one enforcement staff year, the Commission continued to experience staff shortages in enforcement. This was primarily due to unpredictable vacancies and extended illness. Nonetheless, the enforcement staff were able to keep pace with the demand, and the backlog remained relatively stable. With a full staff complement over the coming year, it appears that there could be a reduction of the backlog.

A restricted interpretation of *The Act* which has been the result of recent judicial rulings has placed new limitations on the Commission's ability to effectively address discrimination identified through the complaint process.

When the Commission proposed new human rights legislation in 1984, it recommended that discrimination based on pregnancy, and harassment because of a protected group factor, be specifically prohibited. Although the Commission believed that these activities were, in fact, prohibited under the present *Act*, it was felt that this protection needed to be strengthened and clarified. Recent decisions rendered by the Manitoba Court of Appeal have demonstrated the vulnerability of such protections when not specifically stated.

In 1986, the Manitoba Court of Appeal heard an appeal from a decision of the Court of Queen's Bench which had ruled in favour of the complainants in a sexual harassment case. To the shock and consternation of human rights agencies across the country, it ruled that sexual harassment does not constitute discrimination on the basis of sex in terms and conditions of employment. In another case, the appeal court upheld a ruling that discrimination based on pregnancy is not a form of sex discrimination. Believing that the complainants in these cases were, in fact, subjected to differential treatment because they were women, the Commission will be seeking leave to appeal these decisions to the Supreme Court of Canada.

Government officials have indicated that new legislation will be introduced in the near future which may address these issues; however these cases remain subject to the interpretation of the present statute.

In another decision, which is under appeal by the respondent, the Manitoba Court of Appeal upheld the ruling of the lower courts and found in favour of the Commission on a complaint regarding compulsory retirement.

A decision by a Board of Adjudication late in the year reinforced the prohibition against discrimination based on source of income. The adjudicator ruled that it was discriminatory to deny rental accommodations to a recipient of social assistance who had a good tenancy record, or to require a co-signer simply because the applicant was in receipt of assistance. He awarded the complainant compensation for damages to feelings and self-respect and for financial loss.

Further details on these and other matters which were under adjudication or before the courts in the past year can be found in Appendix A.

Public Programs

During 1986, the various educational activities of the Commission and the processing of applications for Special Program approval were brought together under the umbrella of Public Programs. The staff involved in these activities work together in a coordinated approach to further the principle of equality in status and opportunity for all Manitobans. Public Programs activities include the delivery of preventative education programs to the business sector; projects to increase the awareness of the protections and remedies of *The Act* which are available to victims of discrimination; the promotion of the teaching of human rights issues in the educational institutions in the Province; community outreach; and the promotion and encouragement of effective affirmative action plans and other special programs designed to bring about greater equality for disadvantaged groups.

Special Programs/Affirmative Action:

During 1986, the Commission received thirty-four applications for approval of special programs under Section 9 of *The Act*. These programs were offered by employers, service agencies, educational and training institutions, and other groups who wished to provide greater access to employment or other needed services to specific disadvantaged target groups such as women, Native people, immigrants, youth, disabled persons, and visible minorities.

In order to facilitate the efforts of those who wish to offer such programs, the Commission plans to publish, early in the coming year, guidelines for the development and application for approval of special programs.

Statistical information related to Special Programs can be found in Appendix C.

Education Projects:

A brochure for employers and others who are named as respondents in complaints of discrimination was published early in the year and is now made available with the service of each complaint. This brochure is intended to ensure that respondents have a better understanding of the role and procedures of the Commission when dealing with complaints.

One opportunity for effective business education occurred when the Commission was contacted by a management firm requesting assistance in the delivery of training seminars on recruitment of employees. This firm had researched the current practices of many employers in Manitoba and reported that "Not one employer met ... the restrictions set forth in the Provincial Human Rights Act." The firm further indicated that many employers appeared unaware of human rights legislation. The Commission was able to provide them with information which will be used in the seminars offered to employers and it is estimated that through these seminars, approximately eighty employers per month will receive information on nondiscriminatory hiring practices.

In 1986, the Commission continued its efforts to promote the teaching of human rights in Manitoba schools. This project has two main objectives. The first is to facilitate teacher training in human rights issues. Human rights topics do exist in the present curriculum; however, teachers often lack training in this area. In order to meet this need, the Commission facilitated a workshop on the topic "Teaching Human Rights" at the annual Special Area Groups Conference sponsored by the Manitoba Teachers Society. It also undertook a survey of the human rights information needs of school counsellors in Manitoba. In 1987, the Commission hopes to follow this up by preparing a program which will meet some of the needs identified by the survey.

The second major objective of the school curriculum project is to promote greater use of some of the excellent human rights and cross-cultural materials which are available to teachers and so increase human rights education in the classroom. In many cases, this is simply a matter of advising teachers and teaching libraries of their availability. Attempts were made throughout the year to advise as many teachers as possible of the resources available through letters, workshops, and through distribution of the Commission publication, "An Inventory of Human Rights Teaching Materials".

For some time, the Commission has been aware of the need for a community intervention service to assist in the resolution of conflict which results from, or which may contribute to, prejudice and stereotyping. In June of 1986, one such situation was brought to the attention of the Commission. It had been reported that a racially motivated argument between two teenage boys, one of whom was Native, had broken out at a Winnipeg high school. One of the boys had struck the other, resulting in a cut requiring nine stitches, and assault charges had been laid. Although the boys had been friends, the incident appeared to be escalating into a source of racial tension in the community.

The Commission was asked to intervene and one of the Education Officers was able to arrange the mediation and resolution of differences between the boys and their families. Apologies were exchanged and accepted by both parties and the assault charges were dropped. The school offered its support by agreeing to include educational material in the curriculum about the effects of name calling and racial slurs. Further escalation of the conflict, due to the focus on the racial aspects, was prevented.

The Commission is pleased to have been able to effectively resolve this conflict outside of the formal complaint process and hopes to be able to include this approach in its programs and efforts to combat discrimination in the future.

Other public programs activities over the past year included the completion of a project funded by the "STEP in Government Program". Through this project, the lives and accomplishments of many Native persons in Manitoba have been documented and compiled into a series of biographical sketches. Efforts are now underway to have this material published as a further contribution to the identification of positive role models in the Native community.

A public meeting was held to obtain input from disabled persons before revising the Commission's brochure "Taxi, The Handicapped Fare". The revised brochure will be published in 1987. As a result of this meeting, at least one taxi company is now exploring the possibility of introducing special telephones to permit direct contact with hearing impaired persons.

In conjunction with the Canadian Human Rights Commission, a one day seminar on Human Rights Training was held in Winnipeg for people who provide referral, advocacy, and other services to their communities. The response was very positive and the Commission plans to offer such seminars in other centers throughout the province in the future.

Speaker Services:

Staff and Commissioners also continue to provide speaker services and to conduct outreach and consultation as requested by groups and organizations in Manitoba. Statistical information related to this area of activity will be found in Appendix C.

Human Rights Day

The Commission initiated and coordinated a number of activities in celebration of the anniversary of the Universal Declaration of Human Rights on December 10th. The theme was "Light a Candle for Human Rights", and the objective was to encourage and facilitate the participation of all Manitobans in the recognition of the significance of human rights both at home and abroad.

Stickers announcing Human Rights Day were used on all Commission mail for several weeks leading up to December 10th; and letters were sent to all schools, mayors and reeves, and to all individuals and organizations on the mailing list.

In response, the Province of Manitoba and the following municipal governments formally proclaimed December 10th, 1986 to be Human Rights Day:

Rural Municipality of Springfield
Village of Ste. Rose du Lac
Rural Municipality of Cartier
Local Government District of Armstrong
City of Thompson
Rural Municipality of Grey
Town of Dauphin

Over fifty organizations responded by indicating that they would be joining in the celebration by holding a range of activities from a brief candle lighting ceremony to a program of events taking place over several days. Human Rights Day was celebrated in more than twenty Manitoba communities by schools, church organizations, service agencies, and a variety of community groups.

A report will be compiled to be submitted to the United Nations through the Continuing Committee of Officials Responsible for Human Rights and this report will be available to the public on request.

The Manitoba Human Rights Commission was extremely heartened by this indication of the commitment of Manitobans to the principles entrenched in the Universal Declaration of Human Rights. In response to such enthusiastic participation, and to many direct requests, the Commission intends to include the invitation to "Light a Candle for Human Rights" as an annual event in the Human Rights Day celebrations.

At a candle lighting ceremony held in the Legislative Building in Winnipeg, Chairperson, Dr. Claudia Wright, announced the introduction of the First Annual Journalism Award to be given on Human Rights Day 1987. The award will be presented to a Manitoba journalist in recognition of an outstanding article, news item, feature documentary, or publication which is written, broadcast or televised between November 1, 1986 and November 1, 1987. Criteria and nomination forms are available at any office of the Manitoba Human Rights Commission.

Human Rights Day candle lighting ceremony in the Legislative Building, Winnipeg: Left to Right: Dr. Claudia Wright, Chairperson, Manitoba Human Rights Commission; Mr. Tom Dickens, Guest Speaker, Kelvin High School Teacher and former resident of South Africa; The Hon. Roland Penner, Q.C., Attorney-General; The Hon. Howard Pawley, Q.C., Premier.

National and International Events

The Commission continued its participation as a member agency of the Canadian Association of Statutory Human Rights Agencies and was well represented at the Annual Conference and business meeting which was held in Quebec City in May. The Commission also continues to be a member of the International Association of Official Human Rights Agencies.

Future Directions and Needs

The Manitoba Human Rights Commission looks forward to the coming year with optimism. It is anticipated that 1987 will bring new human rights legislation and a reduction in the size of the backlog. Further organizational changes are planned in a continued effort to provide the most efficient and effective service possible with the financial and human resources available to us.

It is hoped that, through these efforts, and with the continued financial support of the Government of Manitoba, the citizens of this province will have cause to maintain a high degree of confidence in the effectiveness of the Commission and the legislation it is attempting to administer.

Appendix A

The following are matters which are currently before Boards of Adjudication or the Courts.

Update on Matters Previously Reported:

Appeal: Govereau & Janzen vs. Platy Enterprises Ltd. (Pharos Restaurant) (Previously reported in the 1984 and 1985 Annual Report)

Background:

Tracy Govereau and Diana Janzen, employed as waitresses at Pharos Restaurant, alleged that during their employment, the cook of the restaurant continually harassed them by grabbing and touching their bodies and making lewd comments about their anatomy. They alleged that in spite of their protests, both to the cook and to the owner, the behavior continued. Tracy Govereau alleged that her hours were reduced and that she was ultimately terminated by her employer because she complained to the management about the harassment. Diana Janzen alleged that she was forced to terminate her employment because of the cook's behaviour toward her. Both women alleged that they had been subjected to discriminatory conditions of employment and, ultimately, had been terminated because of their sex.

The investigation results appeared to support the complaints and conciliation was attempted but was unsuccessful. As a result, the Attorney-General was requested to appoint a Board of Adjudication to hear and decide the matter. Mr. Yude Henteleff, Q.C., was appointed as Adjudicator and hearings were held in 1984.

On April 26, 1985, Mr. Henteleff delivered his decision on these cases. He found that the complainants were sexually harassed by the cook and that the employer was made aware of the harassment but failed to take any reasonable steps to assure that the workplace would be free from fear of sexual harassment. Mr. Henteleff found the company and the cook jointly and severally liable and ordered that Diana Janzen be compensated $480 for lost wages and $3,500.00 for damages. Tracy Govereau was awarded $3,000.00 lost wages and $3,000.00 general damages. Platy Enterprises Ltd. was ordered to provide the Commission with a letter agreeing to comply with *The Act* and, further, that under the direction of the Commission, Platy Enterprises Ltd. was to establish and maintain, in all of its restaurant premises, a program which would reasonably ensure that the restaurants would remain free of sexual harassment.

The respondent subsequently appealed the Adjudicator's decision to the Court of Queen's Bench challenging the scope and constitutionality of *The Act* itself and arguing that the quantum of damages assessed by the Adjudicator was excessive.

Justice Monnin rejected all the respondent's grounds of appeal but reduced the awards. Diana Janzen was awarded lost wages in the sum of $480.00 and damages for loss of self-respect and hurt feelings in the amount of $1,000.00. Tracy Govereau was awarded $500.00 for lost wages and $1,500.00 for hurt feelings and loss of self-respect. In addition, Justice Monnin found that a letter of undertaking to comply with and establish a program acceptable to the Human Rights Commission was outside the scope of *The Act*. He varied this order by ordering the respondent to ensure that the restaurant premises remain free of sexual harassment.

1986 Update:

The respondent appealed Justice Monnin's decision to the Court of Appeal and the Appeal was heard May 26 and 27, 1986 by Matas, Huband and Twaddle, JJ.A. Regrettably, Justice Matas passed away before the decision was rendered on November 19, 1986.

Huband and Twaddle, JJ.A. held that sexual harassment did not constitute sex discrimination in the absence of clear wording to that effect in the legislation. They also found that there was no duty on an employer to provide a workplace free of sexual harassment. They found that the corporate employer was not liable for the actions of its cook because the company was not an accomplice to the act, did not have a policy to discriminate and because the cook had no express or implied authority to sexually harass the waitresses. In addition, it was found that the cook could not be considered part of the "directing mind" of the corporation because he exercised very limited managerial responsibilities. Justice Huband also held that a Board of Adjudication established for the purpose of determining whether a case of sexual harassment had been established, would be unconstitutional in that it would be infringing on powers conferred to courts at the time of confederation.

The Commission, in reviewing the Court of Appeal's decision, concluded that the decision seriously eroded the principle of equality of opportunity as the result of the narrow interpretation of sex discrimination and the limitation on corporate liability. The Commission will therefore be seeking Leave to Appeal the decision to the Supreme Court of Canada. At the year's end, the Leave to Appeal had not been heard.

Appeal: Ogelski vs. City of Winnipeg (Police Department)

(Previously reported in the 1984 and 1985 Annual Report)

Background:

Mr. Edward Ogelski filed a complaint alleging he was being forced to retire from his position as Deputy Chief with the City of Winnipeg Police Department, because of his age, based on a City by-law requiring all police officers to retire at age 60. He maintained that his employment should be continued beyond age 60 as his physical and mental health were good and as he satisfactorily performed his duties as Deputy Chief. The investigation results appeared to substantiate the complaint. However, since a voluntary settlement could not be negotiated, the Attorney-General was requested to appoint a Board of Adjudication to hear and decide the complaint. Mr. Vic Savino was appointed as Adjudicator and hearings were held in September, October and December, 1984.

In March, 1985, Mr. Savino ruled that Edward Ogelski had been discriminated against when he was mandatorily retired from his position of Deputy Police Chief at the age of 60.

The Adjudicator rejected the respondent's argument that retirement at age 60 is a reasonable occupational requirement for all police officers regardless of rank. He stated that it is the duties of the particular position and the practical realities of the work involved which determine whether retirement at 60 is a reasonable requirement. Mr. Savino concluded on medical evidence that a healthy individual in his early 60's could adequately discharge the duties required of a Deputy Chief and that medical tests were available to adequately determine health without having to rely on age. The Adjudicator ordered that Mr. Ogelski be reinstated to his position as Deputy Chief and that he undergo regular medical examinations. In addition, the respondent was directed to compensate Mr. Ogelski for the difference between pension payments he received since his forced retirement and the salary and benefits he would ordinarily have received.

The respondent appealed the Adjudicator's decision to the Court of Queen's Bench. The appeal was heard by Mr. Justice Wright who rendered a decision on October 15, 1985 in which he dismissed the appeal. He was satisfied the Adjudicator made no significant error of fact or law in arriving at his decision, but quashed the Order that Ogelski undergo medical examinations. The respondent subsequently filed an appeal in the Court of Appeal.

1986 Update:

The appeal was heard by Monnin, C.J.M., Huband and Twaddle, JJ.A. The majority held that the Adjudicator had reached his conclusion based on proper principles and interpretation of the evidence. They concluded that the mere possibility of failure by an employee over the age of 60, is not a proper criterian to justify mandatory retirement. Chief Justice Monnin dissented, accepting the respondent's argument that mandatory retirement of all police personnel at age 60 is reasonable on the grounds that as a person ages, his ability to perform his tasks decreases. He would have allowed the appeal. The City sought Leave to Appeal this decision to the Supreme Court but the Supreme Court denied Leave.

Appeal: Brooks, Allen and Dixon vs. Canada Safeway Ltd.

(Previously reported in 1984 and 1985 Annual Report)

Background:

Susan Brooks, Patricia Allen and Patricia Dixon filed complaints alleging that the employee disability benefit plan provided by the company discriminated on the basis of sex and family status by disqualifying pregnant women from receiving benefits. They alleged that under the terms of the plan, no benefits are payable during a seventeen week period commencing ten weeks prior to the expected week of confinement and ending six weeks after the week of confinement. Ms. Brooks experienced pregnancy-related disabilities and initially received benefits. However she alleged that ten weeks before the expected confinement, her disability ceased. Ms. Allen and Ms. Dixon experienced pregnancy-related disabilities which commenced within ten weeks prior to their expected weeks of confinement and Ms. Allen continued to experience pregnancy-related disabilities following the birth of her child. All three were denied eligibility for benefits. In contrast, employees who experienced other forms of disability continued to be eligible for benefits under the plan throughout the period of their disability.

Since the investigation revealed an apparent contravention, conciliation was attempted but was unsuccessful. The Commission requested the Attorney-General to appoint a Board of Adjudication to hear and decide the complaints, and Mr. J. F. Reeh Taylor, Q.C., was appointed as Adjudicator. It was agreed that the Brooks complaint would be heard and decided first. On October 26, 1984, Mr. Taylor ruled that the complainant had not filed her complaint within six months of the notification of her ineligibility for benefits and that therefore he had no jurisdiction to deal

with the complaint on its merits. He also ruled that, while the evidence clearly established there was indeed discrimination against Ms. Brooks under the the terms of the disability benefit plan, the discrimination was by reason of her pregnancy and not by reason of her sex and family status. He noted that pregnancy was not explicitly stated in *The Human Rights Act* as a prohibited ground of discrimination and therefore dismissed the complaint.

The Allen and Dixon cases were heard November 28 and 29, 1984, and a decision rendered February 8, 1985. Although these complaints were held to have been filed in a timely manner, they also failed, according to the Adjudicator, for the same reasons that discrimination because of pregnancy was not equivalent to discrimination because of sex and/or family status. The Commission filed an appeal of the decisions in all three cases.

The appeal was heard by Mr. Justice Vern Simonsen of the Court of Queen's Bench who rendered a decision on November 27, 1985, in which he denied the appeal. He agreed with the Adjudicator that there was discrimination against the complainants by reason of their pregnancy, but not by reason of their sex or family status. The Commission filed an appeal to the Court of Appeal.

1986 Update:

The appeal was heard and a decision rendered by O'Sullivan, Huband and Twaddle, JJ.A. on May 6, 1986. The Court held that there was no discrimination and dismissed the appeal.

Because of the serious implications to women of excluding discrimination due to pregnancy as a form of discrimination based on sex and family status, the Commission will be seeking Leave to Appeal this decision to the Supreme Court of Canada. The Leave Application is scheduled to be heard in January, 1987.

(Note: Complaints were also filed against Dominion Life Assurance Company, the underwriters of the benefit plans. It was agreed at adjudication that these complaints would be adjourned pending a final determination of the issues in the Canada Safeway complaints.)

Appeal: Dakota Ojibway Tribal Council vs. Jean Bewza & Carl Kotyk (Highland Park Motor Lodge, Brandon)

(Previously reported in the 1984 and 1985 Annual Report)

Background:

The Dakota Ojibway Tribal Council, a Native organization representing eight Indian bands in Manitoba, alleged that the respondents discriminated against Jacqueline and Angela Paishk, Lisa and Mary Copenace, and Laura and Ramona Bird, Native women, while they were guests in the respondents' motel. They alleged the women were discriminated against in the provision of a service without reasonable cause because of their race and colour. During the women's stay at the motel, a verbal and physical altercation erupted between the Paishk's and Ms. Bewza when she observed them using a motel towel to wipe rain water from their car. In the course of the altercation, Ms. Bewza used racially derogatory language toward the Native women and ordered them all to vacate the Lodge.

The investigation results appeared to confirm that the women were subjected to racially abusive language and treatment in the course of their stay at the motel. Conciliation was attempted, but was unsuccessful. As a result, the Commission requested the Attorney-General appoint a Board of Adjudication to hear and decide the matter. Mr. Aaron L. Berg was appointed Adjudicator and a decision was delivered on April 27, 1984.

The Adjudicator accepted the evidence of the Native women and concluded that during their stay at the respondents' motel, they were subjected to racially derogatory remarks and discriminatory treatment. Mr. Berg ordered the respondents to pay general damages of $600 each to all but Laura Bird and to pay Ms. Bird $100. He also directed the respondents to file a letter of undertaking to abide by the terms of *The Act* in future. The Adjudicator's decision was appealed by the respondents to the Court of Queen's Bench.

Hanssen of the Court of Queen's Bench rendered a decision on April 30, 1985 in which he accepted the ruling of the Adjudicator and denied the appeal. The respondents filed an appeal to the Court of Appeal where it was heard and allowed through a decision delivered November 29, 1985. Mr. Justice Kerr Twaddle, writing for the Court of Appeal, said that Ms. Bewza's actions and comments toward the Native women did not constitute discrimination with respect to the provision of services. The ruling also criticized the Commission and the Board of Adjudication for their procedures in dealing with the complaint and challenged several aspects of the enforcement process. The Commission, in reviewing the Court of Appeal's decision, concluded that the decision could have serious implications as a result of the narrow interpretation of Section 3 of *The Act* and the restrictive requirements implied for the investigative process. The Commission therefore applied for Leave to Appeal the decision to the Supreme Court of Canada.

1986 Update:

On June 17, 1986 the Supreme Court of Canada denied Leave to Appeal.

Note: In a separate complaint, the Dakota Ojibway Tribal Council had alleged that the Highland Park Motor Lodge had denied hotel accommodations to Mr. and Mrs. Terry Bearchief, a Native couple from Alberta, because of their race and colour. This complaint also went to adjudication. It was reported in the 1984 Annual Report that the adjudicator found in favour of the complainants and ordered the respondents to refrain from any further contraventions of *The Act* and to sign a letter to the Commission confirming their intention to comply with the provisions of *The Act*. This decision was appealed by the respondents. The appeal was adjourned sine die* pending the outcome of the D.O.T.C. complaint. Once Leave to Appeal was denied on the D.O.T.C. case, the Bearchief complaint was dealt with by way of consent to the grounds of Appeal.

*for an indefinite period, without a date being set.

Obirek, Apsit and Gaffray vs. Manitoba Human Rights Commission

(Previously reported in the 1985 Annual Report)

Background:

In 1985, the Commission approved an affirmative action program of the Manitoba Government's Department of Natural Resources whereby Native Indians would be given preference in the granting of wild rice licenses over a period of two years.

Following the Commission's approval of the affirmative action plan, Alfred Apsit and Laurie Gaffray, representing themselves and the Manitoba Rice Farmers Association filed an Originating Notice of Motion asking the Court to quash the Commission's decision, alleging that it was made contrary to the principles of natural justice.

Specifically, they claimed that the Commission should have heard evidence under oath and provided them with an opportunity to cross-examine on the evidence. They also alleged that the Commission's approval of the program was unconstitutional in that the affirmative action plan was contrary to the equality provisions of *The Charter of Rights*.

The motion was heard before Mr. Justice Jewers who ruled that the Commission was acting as a purely administrative and not as quasi-judicial tribunal when approving a program under Section 9. As such, the Commission must act "fairly" in rendering its decision. The Court ruled that the Commission "acted more than fairly" in that all interested parties were advised of the Special Program application, a hearing was held and interested parties, including the applicants, were given a full opportunity to respond to the plan, both orally and in writing.

With respect to the applicants' Charter challenge, the Court stated that the Special Program, approved by the Commission was, on its face, inconsistent with Section 15(1) of *The Charter* and that there is an onus on the Commission to demonstrate that the plan which it approved falls within the exception provided by Section 15(2) of *The Charter*. Justice Jewers concluded that he did not have enough evidence to determine if the beneficiaries of the plan are "disadvantaged individuals" and that the affirmative action plan would "ameliorate their conditions". He therefore ordered a trial of the issues to determine:

1) whether the affirmative action program complied with Section 15(2) of *The Charter* and;

2) if not, whether Section 9 of *The Manitoba Human Rights Act* was a "reasonable limit" within Section 1 of *The Charter*.

1986 Update:

Hearings were concluded before Justice Simonsen of the Queen's Bench in September 1986. Justice Simonsen reserved his decision. As of the date of this report, no decision has been rendered.

Matters Referred in 1986:

Wadhawan vs. McDonald Supply Limited, McDonald Supply Appliances Limited and Ron Borowski

Allegation:

Jagdish Wadhawan, who is of East Indian descent, filed a complaint alleging that during his employment as a service manager, he was subjected to discriminatory terms and conditions of employment in the form of racial harassment by his supervisor, Ron Borowski, and that he was subsequently terminated from his job. He alleged that he was discriminated against because of his race, colour, nationality and ethnic or national origin.

The investigation results appeared to support the complaint. However, since a voluntary settlement could not be negotiated, the Attorney-General was requested to appoint a Board of Adjudication to hear and decide the matter.

Decision:

Mr. Vic Savino was appointed Adjudicator and hearings were held on June 16, October 8 and 9, 1986. A decision was rendered November 19, 1986. Mr. Savino found Jagdish Wadhawan was subjected to derogatory remarks and insulting language about his East Indian background to the point that it "poisoned his workplace environment". He found that the supervisor, Ron Borowski, was primarily responsible for such remarks, but noted that junior employees also seemed to follow the lead of the senior person in the use of derogatory racial remarks. Mr. Savino also found that Ron Borowski threatened to dismiss Wadhawan and acted on his racially motivated taunt at his first opportunity following a company reorganization when he was given authority to dismiss employees. The Adjudicator found no evidence to substantiate alternate causes for dismissal alleged by the respondent.

In apportioning liability between Borowski, McDonald Supply Limited (MSL) and McDonald Supply Appliances Limited (MSA), Mr. Savino noted that MSL did take some reasonable action to mitigate the problems in the workplace, as they had attempted to deal with the problem through several meetings and had reversed a previous attempt by Borowski to fire Wadhawan. On the other hand, MSA, the successor company who acquired the assets of MSL, knew about the racial harassment and permitted the dismissal, knowing Borowski's racially motivated attitude. The Adjudicator ordered that Borowski and MSA were jointly and severally liable to pay Wadhawan $15,000 in lost wages. For damages to feelings and self-respect, Mr. Savino ordered $2,000 payable by Borowski, $500 payable by MSL and $5,000 payable by MSA.

As of the date of writing this report, no notice had been served by the respondents as to whether or not they intend to appeal.

Callen vs. Sticky's Service and Drive Inn (Dauphin)

Allegation:

Kathy Callen had been employed as a waitress at Sticky's Service and Drive Inn in Dauphin, Manitoba. She alleged that throughout her four months of employment there, she was continually harassed by the owner/manager, Mel Stokotelny. She claimed that the sexual harassment consisted of verbal propositions and lewd comments, as well as unwanted kissing and physical touching of various parts of her body. She also alleged that, when the owner became aware that she had contacted the Human Rights Commission for advice, he terminated her employment for having done so. The respondent denied any such harassment and indicated it was his habit and practice to engage in "banter" and "teasing". He denied terminating the complainant because she had contacted the Human Rights Commission and maintained that she was let go because she was too slow, talked too much and had a habit of "tip-trolling".

The investigation appeared to confirm the harassment and the termination due to retaliation, so conciliation was attempted, but was unsuccessful. As a result, the Attorney-General was requested to appoint a Board of Adjudication and Douglas Paterson, Q.C. of Brandon, was appointed as Adjudicator. Hearings were held January 22 and 23 and April 3 and 4, 1986.

Decision:

Mr. Paterson rendered his decision on June 12, 1986. He found that Kathy Callen was sexually harassed by Mel Stokotelny, both verbally and physically to the point of "poisoning" her work environment, causing her to feel humiliation and lessened self worth. In addition, he found that submitting to her employer's sexual advances was a condition of maintaining her employment. Regarding the retaliation complaint, Mr. Paterson noted that Mel Stokotelny candidly admitted to tricking Ms. Callen into confirming her telephone complaint to the Human Rights Commission. The Adjudicator found that this evidence, together with the timing of her dismissal following this revelation and the lack of evidence as to any poor work performance, confirmed that she was terminated in retaliation for having contacted the Human Rights Commission.

Since Mel Stokotelny was the "directing mind" of the corporation, Mr. Paterson found him and his corporation jointly and severally liable for lost wages approximating $2,100 and damages for humiliation and lessened self-respect in the amount of $1,000.

The respondent filed an appeal of this decision to the Court of Queen's Bench. A hearing of the appeal set for December 17, 1986 was adjourned pending the outcome of the application for Leave to Appeal to the Supreme Court in the case Govereau and Janzen vs. Platy Enterprises Limited. (See Page 15).

Ostifichuk and Corrington vs. C.A.M. Janitorial Limited

Allegation:

Sheila Ostifichuk and Margaret Corrington were employed at different times with C.A.M. Janitorial. They alleged, independent of each other, that in the course of their employment, they were sexually harassed — Ms. Ostifichuk

by the owner, Chelso Figuerdo, and Ms. Corrington by Tony Valente, a supervisor.

Ms. Ostifichuk, who was employed as a secretary/receptionist, alleged that she was subjected to persistent propositions and sexual overtures by Figuerdo. In addition, she alleged he had a habit of sitting directly across her desk and staring at her, which occurred almost daily, especially after she refused all his sexual invitations to be his "girlfriend". Ms. Ostifichuk indicated that Figuerdo's conduct made her nervous to the point that she quit her job because of his actions.

Ms. Corrington, who was employed as a clerk typist, alleged that Tony Valente asked her a number of personal questions concerning her sexual activity and subjected her to persistent propositions and social invitations, ignoring her refusal. He too would sit directly in front of her and stare at her. After only two days of employment, Valente advised her that the boss did not like her work and she was terminated.

In addition, Ms. Ostifichuk alleged that the company was soliciting information on employment application forms which was contrary to Human Rights legislation, such as age and marital status.

While the respondent denied the allegations, the investigation results appeared to support the complainants and conciliation was attempted, but was unsuccessful. As a result, the Attorney-General was requested to appoint a Board of Adjudication to hear and decide the complaints. Professor Freda Steele was appointed Adjudicator and a hearing was held November 26, 1985.

Decision:

In a decision rendered February 18, 1986, Professor Steele considered all the evidence, including that of a previous employee who had both witnessed and experienced similar behaviour from Figuerdo. Ms. Steele concluded that there was a pattern of Mr. Valente and Mr. Figuerdo hiring young, attractive women as secretaries and making advances towards them. She found that both Ostifichuk and Corrington were subjected to unwelcome verbal comments and persistent propositions going beyond the bounds of normal social interaction.

In Ms. Ostifichuk's case, the Adjudicator found that it became a condition of her continuing employment that she endure the sexual harassment and in these circumstances, quitting her job was justified and amounted to a dismissal. Since Figuerdo was the "directing mind" of the corporation, Ms. Steele ordered that C.A.M. Janitorial Limited pay Ms. Ostifichuk $746.60 in lost wages and $600 in general damges for loss of self-respect and hurt feelings.

In Ms. Corrington's case, Professor Steele found there was a causal connection between the complainant's dismissal and her rejection of her supervisor, Tony Valente. She concluded that Ms. Corrington had to endure an "intimidating, hostile and defensive" work environment as a result of the harassment to which she was subjected. Since Tony Valente acted in front of and with the direct knowledge of the owner, Mr. Figuerdo, Professor Steele found the corporation responsible for the contravention and ordered them to pay Ms. Corrington $300 for hurt feelings and loss of self-respect.

With respect to the application form, Ms. Steele found that it violated *The Human Rights Act* by soliciting information as to age and marital status. Evidence further confirmed that when Ms. Ostifichuk was seeking a replacement for her position, Figuerdo had asked whether the applicants were young, pretty and would make a good girlfriend for him. Professor Steele ordered that C.A.M. Janitorial Limited delete all references to age and marital status on their application forms, provide a copy of a revised form to the Human Rights Commission and provide a letter of assurance that all offending forms had been destroyed and were no longer in use.

The order was not appealed by any of the parties to the complaint.

Kapeluch vs. Walter Smith

Allegation:

Sandra Kapeluch filed a complaint alleging that Walter Smith, owner of a duplex, refused her the upstairs suite because of her sex and marital status. She initially phoned the number in a newspaper advertisement and arranged an appointment with the owner to view the suite. During the telephone conversation, she disclosed that she was a single woman. Ms. Kapeluch arrived early at the duplex and was shown the available suite by the previous owner, who resided downstairs. When the owner, Mr. Smith, arrived, Ms. Kapeluch advised him she found the suite suitable and wished to rent it. At that point, Mr. Smith said that since he spoke to her earlier, he and his wife had decided they preferred to rent the suite to a married couple or a man. Since he was out-of-town much of the time, he indicated his wife would feel more safe and secure if there was a man living upstairs. Ms. Kapeluch asked him once again to consider her for the suite, but Mr. Smith replied that she could not rent the suite unless she became married over night.

The investigation results appeared to support the complaint. The previous owner was present during this conversation and had overheard Mr. Smith express a preference for a married couple or a man as tenants. Conciliation was attempted, but was unsuccessful and the Attorney-General was requested to appoint a Board of Adjudication to hear and decide the matter.

Decision:

Judge J. Enns, a Manitoba Provincial Court Judge, was appointed Adjudicator and a hearing was held on June 27, 1986. In his decision, Judge Enns found that Ms. Kapeluch was discriminated against because she was a single woman. Judge Enns noted the importance of credibility and found Ms. Kapeluch's testimony consistent and reliable. In contrast, he could not accept Mr. Smith's testimony that he repeatedly told her the suite was already rented and that it was only out of common courtesy that he agreed to show the suite to her because she wanted to see it. Judge Enns also found that Mr. Smith's lack of co-operation in the investigation was a serious point against the credibility of his testimony at the hearing.

As a remedy, Judge Enns ordered that Mr. Smith pay Ms. Kapeluch the sum of $192 as reimbursement for furniture storage expenses incurred by reason of the contravention of *The Act*. He concluded that Ms. Kapeluch was substantially hurt by the incident and ordered Mr. Smith to pay her general damages in the amount of $150.

The order was not appealed by any of the parties to the complaint.

Spence vs. Kolstar Properties Inc. et al

Allegation:

Winfield Spence, a recipient of social assistance, complained to the Commission that Kolstar Properties refused to rent an apartment because of his source of income. He alleged that when he filled out the application form indicating he was on welfare, the leasing agent advised him that she was instructed by the owners not to rent to welfare recipients and his application was thrown in the garbage. Subsequent to contacting the Human Rights Commmission, Mr. Spence alleged he received a message from the rental agent advising he could have the apartment. Accordingly, he informed the caretaker who gave him the keys and allowed him to move in. Two days later, when he submitted a form required by City Welfare for the landlord's signature, the landlord refused to complete it and told him he would have to move out immediately. When he returned to his apartment, he found he had been locked out and his belongings moved into the boiler room.

The investigation results appeared to support the complaint and conciliation was attempted but was unsuccessful. As a result, the Attorney-General was requested to appoint a Board of Adjudication to hear and decide the matter.

Decision:

Mr. Jack Chapman, Q.C., was appointed Adjudicator and hearings were held February 6 and 7, 1986. In a decision rendered September 25, 1986, Mr. Chapman found that the complainant had been denied an opportunity to rent the apartment once it was ascertained he was unemployed and in receipt of social assistance. He indicated that the landlord was entitled to check for references, did in fact do so, and found that the complainant was regarded as a good and reliable tenant. In the circumstances, the denial of accommodation was improper. He also noted that in spite of Mr. Spence's good tenancy record, the landlord had asked him to obtain a co-signer as it was their practice to require co-signers for all welfare recipients. Mr. Chapman found that establishing such separate rental criteria for tenants who are in receipt of social assistance is also contrary to *The Act* and discriminatory because it presupposes that applicants in receipt of social assistance are unreliable and untrustworthy.

As a remedy, the Adjudicator ordered Mr. Spence be reimbursed for drycleaning costs and for damage to his furniture in the amount of $128. He also awarded general damages in the amount of $200 as compensation for injured feelings, embarassment and inconvenience. The respondent was directed to file an undertaking with the Human Rights Commission that they will refrain from discriminating against any person because of their source of income.

The order was not appealed by any of the parties to the complaint.

Note:
Some cases referred to a Board of Adjudication in 1986 had not been heard as of the date of this report. These matters will be included in the 1987 Annual Report.

Summary Report of Legal Proceedings — 1986

Carried over from 1985:	
Complaint proceedings	27
Other proceedings	3
Total	30
Proceedings initiated in 1986:	
Complaint proceedings	11
Other	1
Total	12
Dispositions — 1986:	
Resolved, no hearing	6
Finding of Discrimination	3
Dismissed, no contravention	3
Other	0
Total	12
Matters outstanding at year end:	
Complaints referred to adjudication	18
Appeals to Court of Queen's Bench	2
Appeals to Manitoba Court of Appeal	1
Appeals to Supreme Court of Canada	5
Other proceedings in progress	4
Total	30

Note: In some cases, more than one complaint will be combined for the purpose of one hearing.

Appendix B

Sample Cases

The following are provided as some examples of types of issues that can be the subject of complaints, the range of dispositions, the types of voluntary settlements that can be achieved and some reasons for dismissal or alternative dispositions.

These examples are no way indicative of the current caseload or the relative numbers of settled and dismissed cases. Statistical information regarding the Enforcement Program can be found in Appendix C.

Each complaint is assessed on its own merits and settlements outlined in the following pages should not be considered as representing a particular trend or current norm.

Services (Denial)/Physical Handicap (Huntington's Disease)

Allegation:

The complainant alleged that he was denied services at a major hotel restaurant in Winnipeg because of his physical and mental disability; ie. Huntington's Disease. He indicated the manager told him they do not serve drunks. Although he attempted to show his ID card verifying his medical condition, he was told that if he were ever to return, they would call the police.

Investigation:

Huntington's Disease is an inherited brain disease which, in the complainant's case, showed itself by involuntary movements of the body, an abnormal gait and slurred speech. The investigation revealed that the complainant relies totally on restaurants for his daily meals, but when he attended at the respondent's restaurant, management had indeed denied him service and asked him to leave on the mistaken assumption that he was drunk. It was also confirmed that the manager had refused to acknowledge the complainant's identification card.

Disposition:

When presented with the facts, hotel management accepted full responsibility for the action of their employees. In an attempt to compensate for the inconvenience and humiliation of the experience, the management issued a letter of apology to the complainant and offered him their "weekend package" without charge. Although the complainant expressed satisfaction with this resolution, he was unable to make use of the offer as his illness had deteriorated to the point that he required hospitalization and could only leave the hospital for short periods at a time. To accommodate his illness, the respondent offered, in the alternative, to host a birthday celebration for the complainant, providing food and beverage to thirty invited guests. The offer was accepted and the case closed as settled.

Employment (Promotion)/Sex

Allegation:

The complainant, who was employed by a taxi cab company as a telephone operator, alleged that she was denied the opportunity for promotion to the position of dispatcher because of her sex. She alleged that 90% of phone operators were female, whereas all dispatchers were male and no promotional opportunities were provided to women.

Investigation:

The investigation revealed that the successful applicant for the position had a greater knowledge of the city than did the complainant, which the complainant herself acknowledged as a necessary job requirement. However, the investigation also revealed that in selecting dispatchers, the respondent relied almost exclusively on experience as a taxi cab driver. Since the company's taxi cab drivers tended to be primarily male, the requirement of taxi cab experience had an adverse impact on opportunities for women within the company, especially since knowledge of the city could be acquired in a variety of ways.

Disposition:

As the successful applicant had superior job related qualifications over the complainant, this specific complaint was dismissed. However, the Commission noted the systemic impact of the respondent's practice in excluding female employees from traditionally male jobs. The Commission therefore recommended that the company consider job validated testing as a more accurate predictor of job performance. The Commission also noted that the company had made some changes to allow telephone supervisors (primarily women) to acquire on-the-job training by acting as dispatchers during relief periods. Such on-the-job training was recommended for further expansion to provide opportunities for female employees into jobs traditionally held by men.

Employment (Termination)/ Physical Handicap (Eyesight Deficiency)

Allegation:

The complainant was employed as a guard in a compulsory residential setting. In the course of a routine physical examination, which was part of his recruitment and training, it was discovered that he had extremely poor uncorrected eyesight. The respondent released him from his position because they felt that he could become both a security and safety risk to residents, other guards, and himself, if he were ever to lose his glasses on the job, especially if an emergency situation occurred. The complainant alleged that his termination was discriminatory and that no attempt was made to accommodate his handicap.

Investigation:

Investigation confirmed that the complainant was experienced and qualified for the position he held, having worked in a similar job outside the province. It was also confirmed that his uncorrected eyesight was poor and that the respondent feared he would be unable to perform his duties safely as a guard, if he lost his glasses in an emergency situation and was unable to see adequately. Consultation with professional experts revealed, however, that if he were to be fitted with contact lenses he would then be able to maintain the level of visual accuity and safety necessary to the job.

Disposition:

The respondent agreed to the complainant's reinstatement, subject to the condition that he wear contact lenses. The respondent also agreed to compensate the complainant for wages lost amounting to a total of $1,837.50 and to provide written assurance that he would not be penalized or prejudiced for having complained to the Human Rights Commission.

Both the institution and the complainant accepted the settlement proposal and the case is closed as settled.

Services and Contracts/ Physical Handicap (Diabetes)

Allegation:

The complainant alleged that he was denied group mortgage insurance and additional group life insurance coverage because he was a diabetic. He alleged tnat he was discriminated against in both instances without reasonable cause and contrary to Sections 3(1) and 7 of *The Human Rights Act.*

Investigation:

With respect to the mortgage insurance, the respondent denied that the refusal was discriminatory. They stated that they do provide mortgage insurance, including group insurance, to many diabetics; however the complainant's medical history revealed high-risk characteristics sufficient to deny him access to the group mortgage insurance. In group insurance, the risk is shared over a group of people of average insurability. Given the nature and size of the respondent's group plan, classification of the complainant based on his mortality and morbidity risk was essential to maintain an equitable sharing of the cost of the risk without detrimentally impacting the group plan through "anti-selection" or by increased costs for the membership.

The investigation also revealed that evidence of insurability was only required for mortgage insurance in excess of $30,000. The complainant was eligible for mortgage insurance less than $30,000 without evidence of insurability, notwithstanding his particular high-risk diabetic condition.

Regarding his group life insurance application, the investigation revealed that the complainant was a member of the group life insurance plan offered by his employer and had applied for an increase in insurance coverage four times his annual salary. All employees had had several previous opportunities to increase their life insurance without having to submit to a medical. In all instances, the complainant had opted out of the increased undertaking that if he applied for an increase at some future time, his application would be subject to a medical. When the complainant did apply for increased coverage and underwent a medical, the seriousness of his diabetic condition revealed high risk characteristics sufficient to justify his denial of increased coverage at the group rate.

Disposition:

The Commission determined that the denial by both respondents was justified in both instances, considering the facts of the particular situation, in accordance with Section 3(2) of *The Human Rights Act.* It also determined that the distinction was not discriminatory in the particular circumstance in accordance with the exception in Section 7(2) pertaining to insurance contracts.

Employment (Termination)/ Physical and Mental Handicap, Political Belief

Allegation:

The complainant, a senior program manager, alleged that he was forced into early retirement because of his physical and mental handicap and his political belief. Following a positive evaluation where he incidentally indicated he was not prepared to relocate geographically, he received notice that he was being transfered to a smaller region, ostensibly to preserve his health. The complainant alleged that a doctor's certificate advised against the transfer on medical grounds, but that his employer failed to accommodate his physical and mental handicap. He also alleged that the decision to transfer him was politically motivated since he was viewed as having certain political affiliations.

Investigation:

Although the respondent denied that political belief was the motivating factor in the decision to transfer, there appeared to be no alternative organizational or personnel justification for the transfer. The respondent alleged that they were "doing the complainant" a favour by transferring him to a smaller region as, in the previous year, the complainant had requested cruise control on the company car to alleviate a lower back problem. They felt that such a transfer would be in his best interest as it would require less travel. However, investigation revealed that on receiving his notice of transfer, the complainant had consulted with his physician who advised against relocation to that location and provided the employer a certificate to that effect. While the smaller region would have required less travel, it appears that most of the roads were dirt roads and the dirt would have been dangerous for the complainant's asthma. Despite the doctor's advice, the respondent chose to proceed with the transfer.

Disposition:

As the investigation appeared to support the complainant's position, the Commission attempted to bring about a voluntary resolution but conciliation efforts were unsuccessful. As a result, the Attorney-General was requested to appoint a Board of Adjudication to hear and decide the matter. Prior to the hearing, the parties agreed to settle. The respondent paid the complainant $75,000 compensation in lost wages, pension credits and general damages. The complainant indicated his satisfaction with the resolution and the Commission closed the case as settled.

Employment (Termination)/ Criminal Record

Allegation:

The complainant was employed as a cleaner at a remote resort hotel. He alleged that when he informed his supervisor that he had a criminal record, he was told that the hotel did not employ people with criminal records. He was subsequently terminated and alleged that this refusal to continue his employment was a denial of his "right to equality of opportunity" contrary to Section 6 of *The Human Rights Act*.

Investigation:

The respondent stated that they do not have a policy or practice of excluding persons with criminal records, but felt they were justified in not continuing the complainant's employment in the particular circumstances. The investigation revealed that the complainant's record consisted of several convictions for arson, the most recent of which occurred while he was on mandatory supervision. The complainant had completed his sentence five months prior to working at the respondent's hotel and the respondent felt that given the nature of the complainant's record and the remoteness of the hotel, there was a reasonable risk that the safety of the public could not be ensured. The nature of the work and the remoteness of the hotel involved significant periods of unsupervised activity.

Disposition:

The Commission determined that the nature, frequency and recency of the complainant's record was a reasonable disqualification, given the unsupervised nature of the work and the remoteness of the surroundings. Accordingly, the complaint was dismissed as being without merit.

Housing/Race (Native Indian), Marital Status, Family Status

Allegation:

The complainant, a Native Indian woman, alleged that she was denied the opportunity to rent a two bedroom apartment for herself and her two children because she was Native, single and had two children. She alleged that on completing the application form, the caretakers called the owners to check if they would accept her two children. The caretaker told her that the owner had recognized the name of the complainant's employer, asked if it was a Native organization, and when the caretaker confirmed that it was, replied, "Well, I guess that ends it then".

Investigation:

Investigation revealed that in the owner's absence, his mother had authority to handle rental applications and had been contacted by the caretaker concerning the complainant's application. The caretakers confirmed the specific conversation denying the complainant rental of the apartment. In addition, they revealed that on previous occasions, they had been instructed by the owner's mother to deny rental to Native persons. The owner, himself denied the racial restriction but acknowledged that denial had, at times, been made to families with children on the basis that the current number of children residing in the building resulted in a high consumption of water. Further, the owner's mother confirmed she had concerns regarding the mobility and financial capability of single parents.

Disposition:

As the evidence appeared to substantiate the complainant's position, attempts were made to voluntarily settle the complaint. As settlement proposals were rejected by the respondent, the Commission requested the Attorney-General appoint a Board of Adjudication to hear and decide the complaint. Prior to the hearing, the respondent offered to settle the matter with a letter of apology and damages to the complainant in the amount of $100.00 as compensation for the discrimination. The complainant indicated she was satisfied with this resolution and, based on the complainant's express wishes, the Commission closed the file as settled.

Employment (Hiring)/ Physical Handicap (Colour Blindness), Sex

Allegation:

The complainant alleged that he had been denied employment by a utility company as a technical operator trainee because of his colour blindness. He also alleged that his gender was a factor as he felt that preference was being given to women in hiring for the position.

Investigation:

The respondent confirmed that an offer of employment was made to the complainant, contingent on an employment-related medical examination, and that the offer was withdrawn on a diagnosis of the complainant's colour blindness. The employer maintained that colour blindness was a reasonable occupational disqualification for the position and that the complainant's colour blindness would preclude him from satisfactorily performing the required duties. Investigation confirmed that the duties of technical operator required distinguishing colour coded control panels and pipes on generators and other major auxiliary units. An error in identifying the proper colour code could cause extensive damage to expensive equipment, result in physical danger to anyone in the plant and deprive service to large segments of the public.

With respect to the allegation of discrimination on the basis of sex, the investigation revealed that all fifteen technical operator positions were filled by males, including the position filled by the successful applicant.

Disposition:

On the basis of the employment duties and hazards, it was determined that the ability to distinguish pertinent colours was a bona fide occupational qualification and that the complainant's colour blindness was a reasonable disqualification. Accommodation of the complainant would, in this case, have caused the employer undue hardship as it would have required the employment of an additional person to accompany the complainant in the performance of his work. The complaint was therefore dismissed as being without merit.

Employment (Termination)/ Sex

Allegation:

The complainant alleged that she was terminated from her employment because of her sex. She had been working as a truck driver, hauling petroleum products and making deliveries to various service station outlets. After a month of employment, her manager told her that city deliveries were too difficult for a woman.

Investigation:

The company manager denied that sex was a factor in the complainant's termination and maintained that she was slow at her deliveries and when tested, misused the equipment by grinding the gears. However, investigation disclosed that the complainant was a very competent truck driver. She had previously been employed in a similar capacity transporting petroleum products for another company who had been very satisfied with her work. In addition, her male co-workers at the respondent firm stated that her driving was as good or better than most of the drivers. Reports from a professional driving testing company, also indicated that her driving was excellent and she showed exemplary skills while operating a petroleum product transport vehicle.

With respect to her alleged work performance, investigation further revealed that during the period of the complainant's employment, all drivers had difficulty in their deliveries because of the extremely cold weather which

hampered the handling of the hoses used in the operation and which often delayed drivers by requiring them to clear the openings of the tanks when making their deliveries. In addition, it was discovered that the complainant had been tested on a faulty vehicle. Repair records and evidence from other drivers verified that the gears were in poor condition and shortly thereafter received extensive repair.

Disposition:

The respondent agreed to a voluntary resolution of the complaint. They agreed to pay the complainant $3,800 in lost wages and damages. The complainant indicated satisfaction of this resolution. Shortly after her termination, she had obtained employment with a larger firm driving a petroleum truck and making service deliveries. As all parties considered the settlement satisfactory, the Commission closed the case.

Services/Religion, Nationality, Ethnic or National Origin

Allegation:

Five complaints were received from various community organizations alleging that a local police force discriminated against Sikhs in their public reporting of a stabbing incident. They alleged that the police unnecessarily described the weapon as a "kirpan" and referred to the assailant as a "male Pakistani". They felt these references had a discriminatory impact on Sikhs and exposed them to hatred in the community.

Investigation:

Investigation revealed that the respondent's practice is to omit any descriptions that could be racial or religious where the suspect has already been apprehended and public assistance is not required. In the present case, however, descriptive information was provided to the public in an attempt to solicit their assistance. The terms "kirpan" and "Pakistani" were descriptive terms used by the complainant; the police had simply read portions of her account in their public statement.

Disposition:

The Commission felt that a description of the assailant and weapon was justified for the purpose of soliciting the public's assistance in apprehending the suspect. The use of the words "kirpan" and "Pakistani", though perhaps unfortunate, did not appear to be used for discriminatory reasons. For these reasons, the complaints were dismissed. However, the Commission advised the respondent that there appeared to be no factual basis for the victim's concluding that the assailant was from Pakistan and that a more generic description such as "East Indian appearance" or "East Indian looking" could have served the same purpose and would have been preferable and less offensive. At the suggestion of the Commission, the local police force took the initiative to implement procedures to ensure the use of generic descriptions such as the above in preference to descriptions by nationality or religion, wherever possible.

Note: The complainants had also filed complaints against the local newspapers for publishing the offending references in their news articles. The Commission dismissed these complaints without investigation as being beyond the Commission's jurisdiction based on the Court of Appeal's Decision in Linklater et al versus Peter Warren (see 1985 Annual Report, Page 20).

Employment (Hiring)/ Physical Handicap

The complainant, born with a malformation of her arms, applied for a position of labourer in a poultry processing plant. She was interviewed on the telephone and was accepted for the position. However, when she arrived for work, she was advised that she could not be hired because of her disability. She alleged that the respondent discriminated against her by refusing to hire her based on her physical handicap.

Investigation:

The investigation revealed that the complainant's right arm was deformed due to a lack of growth from the shoulder. In addition, her hands had no thumb and her index finger was joined with the third finger. The respondent acknowledged that the complainant was denied the position because of her disability, but maintained that she would be unable to perform the duties of the job satisfactorily and could possibly pose a danger to herself or her co-workers. The investigation confirmed that the job required handling of power equipment such as electric saws and also required the use of two arms and two hands for holding and grasping the poultry at the same time.

Disposition:

Given the nature of the duties of the position and the nature of the complainant's handicap, the denial of employment appeared to be justified in accordance with Section 6(6) and Section 6(10) of *The Human Rights Act*. As it appeared that the complainant would be unable to perform the job duties satisfactorily and could pose a danger to herself or other co-workers, the Commission concluded that her handicap was a reasonable disqualification for her position and the complaint was dismissed.

Services/Race and Colour

Allegation:

The complainant, a Northern female resident, alleged that her application for acceptance into two educational programs was rejected because she was not a Native Indian person, or because she was not a resident of a remote community.

Investigation:

The investigation revealed that the two programs for which the complainant applied were specifically designed for persons who were socio-economically disadvantaged to assist them in qualifying for main stream educational programs and had received prior approval from the Commission under Section 9 of *The Act*. The object of the programs was to select the applicants that were most disadvantaged and to give preference to disadvantages based on Native Indian ancestry and geographic remoteness.

Disposition:

Since the Commission had approved both programs as "Special Programs", and since the complainant's rejection was consistent with the purpose of the program to service the most disadvantaged, the complaint was dismissed.

Services/Physical Handicap (Blindness, Use of Dog Guide)

Allegation:

The complainant, who is blind and uses a dog guide, was staying at a hotel, visiting in Manitoba. She alleged that during her stay, she was treated differentially in the hotel restaurant when she was asked to move to a different table with her dog guide as it was felt she would disturb other customers. She stated that the manager advised her that if she wished to be served, she would have to sit at a table by the door. She refused to move and instead left the restaurant, alleging that she had been treated in a discriminatory manner based on her blindness and reliance on a dog guide.

Investigation:

The investigation revealed the complainant was asked to change tables. The respondent indicated he requested her to do this to avoid confusion and complaints from other customers. He stated that he had asked her to move to a different table "as a favour" and had not intended to refuse her service or to ask her to leave. He acknowledged that the dog guide had neither misbehaved nor had it caused any problems.

Disposition:

The evidence confirmed that the complainant had been treated differentially based on assumptions as to customer preference. The complainant stated that after being discriminated against, she felt uncomfortable staying at the hotel and did not use the restaurant. Both parties agreed to a voluntary resolution of the complaint. The respondent wrote a letter of apology to the complainant and also paid her damages to cover her hotel bill. In addition, the respondent provided a letter of compliance to the Human Rights Commission, undertaking that in future, all persons with dog guides would be treated the same as other customers. As both parties were satisfied with the settlement, the Commission closed the file as settled.

Employment (Hiring)/Age, Marital Status, Family Status

Allegation:

The complainant alleged that he had been denied employment as a photographer for a local northern newspaper because of his age, marital status and family status. He alleged the respondent rejected his application on the basis that they were looking for a "young, single person".

Investigation:

The investigation revealed that the complainant had been referred by the Canada Employment Centre to the respondent for a position in line with the complainant's qualifications. The complainant provided a resume and samples of his work to the respondent, along with his application. Shortly after having applied for the position, the complainant received a letter from the respondent advising him that the respondent was looking for a "young, single person" for the position. His resume had indicated he was 39 years old, married and had two children.

The investigation revealed that the respondent had made an assumption that it would be too difficult for anyone with a family to live on the income which was being offered for the position. He also made the assumption that it would be difficult for anyone with a family to find living accommodations in the community and it was his intention to offer accommodations suitable for a single person to the successful candidate.

Disposition:

Since the investigation appeared to support the complainant's position, conciliation was attempted. The respondent agreed to provide the complainant a letter of apology and to

pay him $200 for general damages for injury to feelings and loss of self-respect. The respondent also provided the Commission with written assurance of future compliance with *The Act*. Since all parties to this complaint indicated that they were satisfied with this resolution, the Commission closed the file as settled.

Housing/Sex, Family Status (Pregnancy)

Allegation:

The complainant alleged she was denied the opportunity to rent the upstairs suite of a duplex because of her sex and family status. She indicated that although the landlord had agreed to rent her the accommodations, when she advised him that she was pregnant, he told her to forget about renting the place, because he did not want babies in the apartment.

Investigation:

Investigation revealed that the landlord and his wife lived in the downstairs suite of the duplex. The landlord's wife suffered from a chronic depressive illness and the landlord indicated that she was unable to handle any level of noise, including the crying of babies or children playing upstairs. The physician who treated the landlord's wife and was a neurologist, confirmed that it would be unduly stressful to his patient to live with the noise of more than one individual living in the suite above.

Disposition:

On being apprised of the circumstances of the refusal, the complainant indicated she empathized with the landlord's wife and withdrew her complaint.

Employment (Termination)/ Age (Over 65)

Allegation:

The complainant, who had been employed as a security guard, alleged that his employment was terminated because of his age. He indicated that the employer decided to reduce the staff complement as a cost-saving measure and selected for layoff those employees who were over age 65.

Investigation:

The investigation confirmed that the employer was undergoing financial difficulties and decided to lay off several employees. Of the three employees who were selected for layoff, all three were over the age of 65. The respondent maintained that employees were selected for layoff based on their eligibility for or receipt of old age pension as a means of alleviating financial hardship. However, investigation revealed that no other employees under age 65 were asked questions about alternate sources of income to ascertain the degree of financial hardship which layoff would create. In addition, as the complainant pointed out, unlike persons under age 65, he did not qualify for unemployment insurance benefits on his termination.

Disposition:

As the investigation results appeared to support the complainant's position, conciliation was attempted but was unsuccessful. As a result, the Attorney-General was requested to appoint a Board of Adjudication to hear and decide the complaint. Prior to the hearing, the respondent agreed to pay the complainant $1,000 in compensation for damages to his feelings and self-respect. The complainant expressed satisfaction with this resolution and the case was closed as settled.

APPENDIX C

Statistics

List of illustrations:

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   - 1.6 Assessment of Files Opened
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Definitions

Files opened — possible complaint, file opened for preliminary assessment
Formal complaints — signed Complaint of Discrimination formally filed for investigation (see Appendix G)

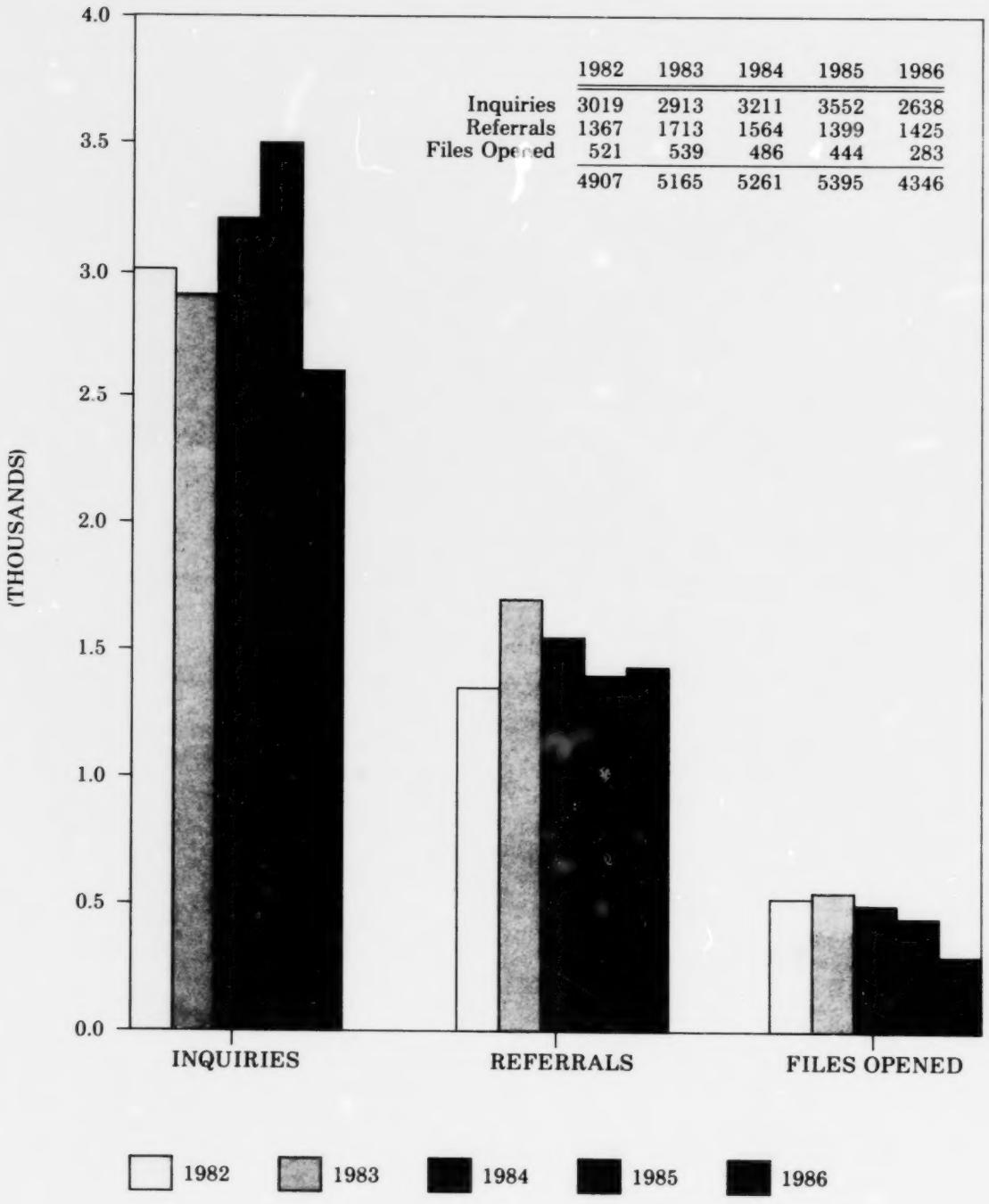
(For a better understanding on the terms used in relation to enforcement statistics, see "Usual Steps in Processing Complaints" on page 9).

1. Intake Statistics

BREAKDOWN OF INTAKE CONTACTS 1982-1986

Figure 1.1

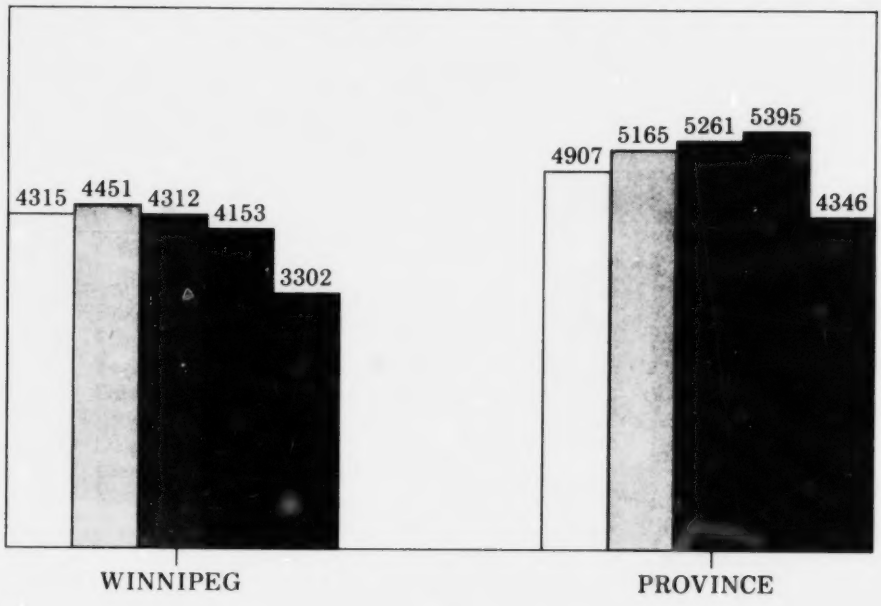
	1982	1983	1984	1985	1986
Inquiries	3019	2913	3211	3552	2638
Referrals	1367	1713	1564	1399	1425
Files Opened	521	539	486	444	283
	4907	5165	5261	5395	4346



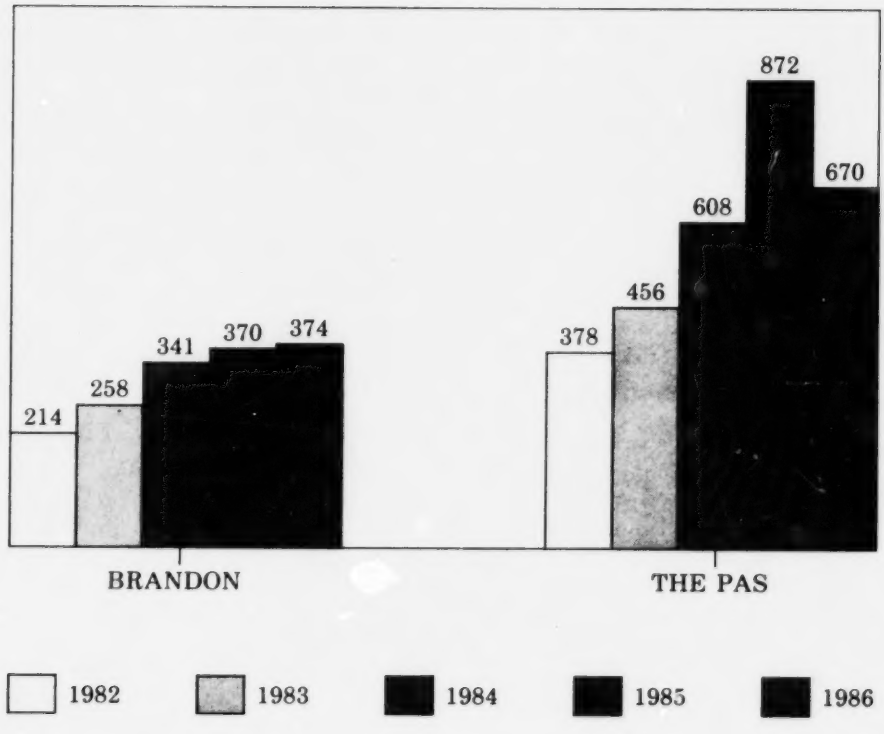
INTAKE LOAD BY PROVINCE AND REGIONS 1982-1986

Figure 1.2

Winnipeg and Province

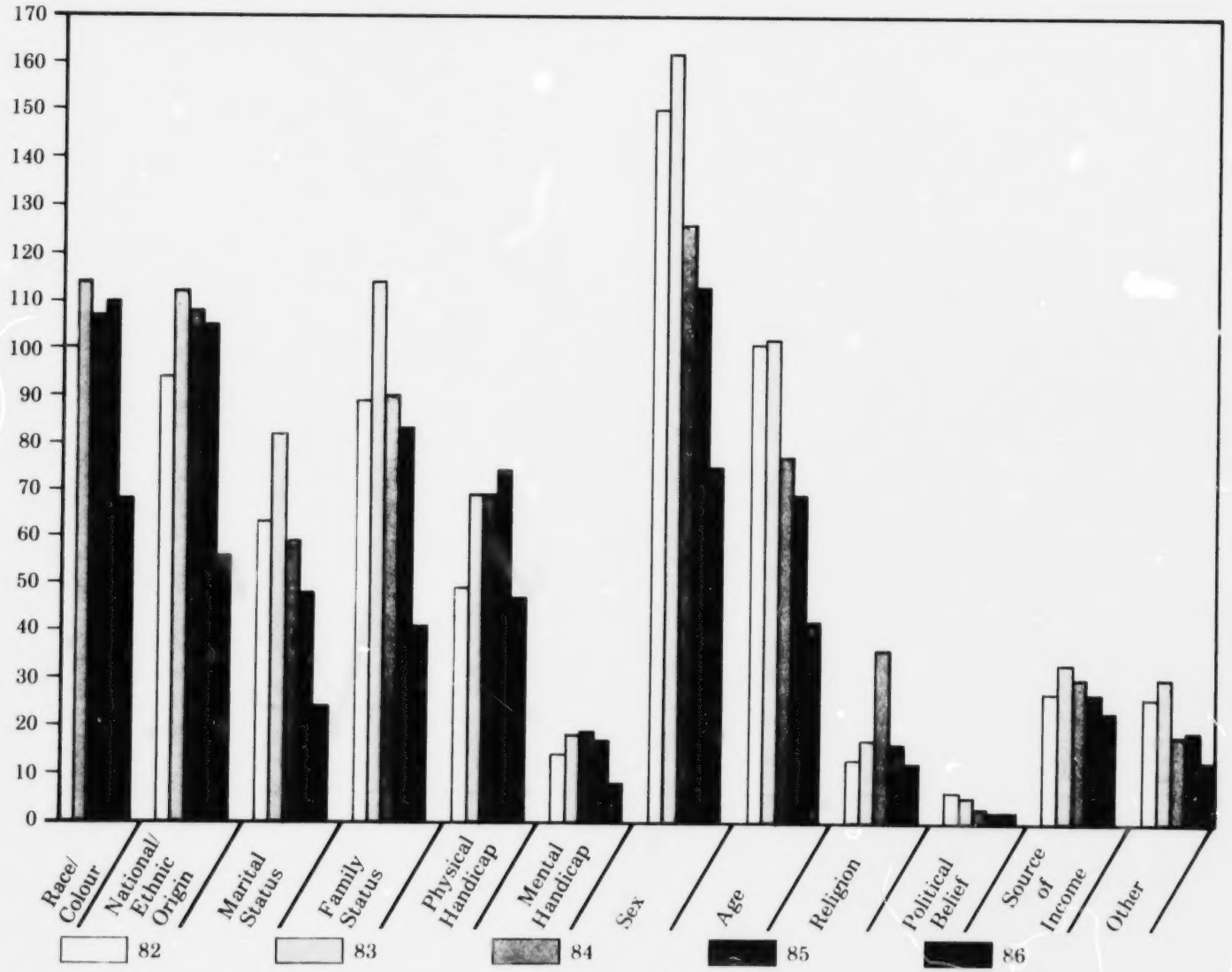


Regional Offices



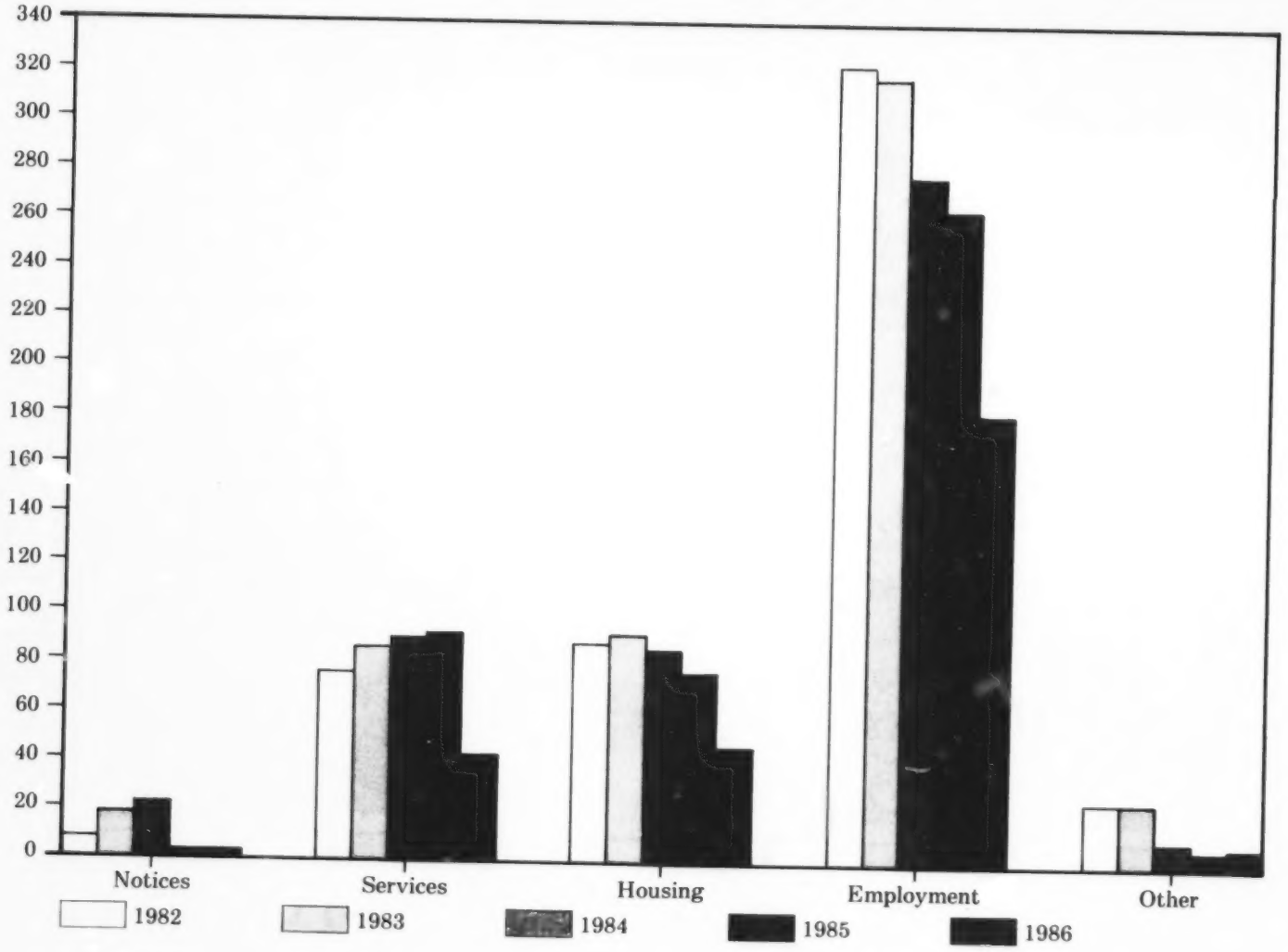
FILES OPEN BY GROUNDS 1982-1986

Figure 1.3



FILES OPENED BY STATUTORY CATEGORY 1982-1986

Figure 1.4



FILED OPENED BY GROUNDS AND STATUTORY CATEGORY 1986

Figure 1.5

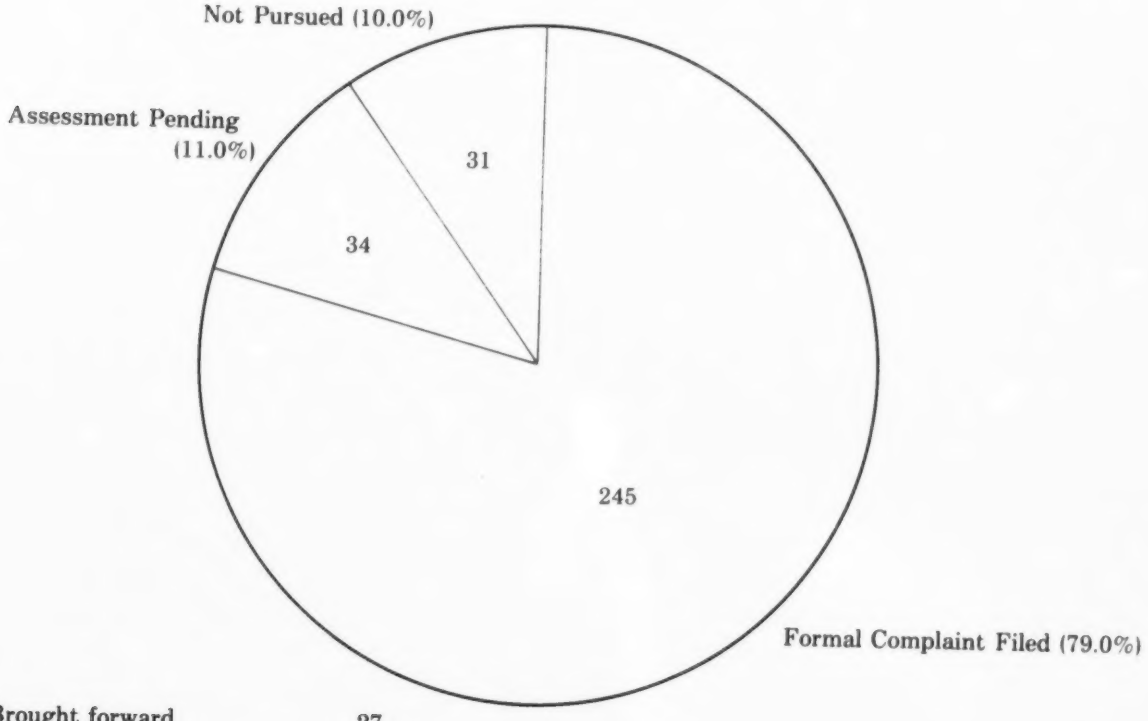
STATUTORY CATEGORY	Race/ Colour	Nationality Ethnic/National Origin	Marital Status	Family Status	Physical Handicap	Mental Handicap	Sex	Age	Religion	Political Belief	Source of Income	Other	TOTAL
Notices	2	0	0	0	0	0	0	0	2	0	0	0	4
Services	14	15	3	3	5	3	6	9	1	0	2	0	61
Housing	17	15	7	9	2	0	1	4	1	0	20	2	78
Employment	34	25	14	28	37	5	66	29	8	2	1	10	259
Other	1	1	0	1	3	0	2	0	0	0	0	1	9
Total	68	56	24	41	47	8	75	42	12	2	23	13	411*

*This is an inflated figure as the total files opened for 1986 were 283. The reason the figure is higher here is that many cases have more than one ground of discrimination.

TOTAL CASELOAD = 283

ASSESSMENT OF FILES OPENED 1986

Figure 1.6



Brought forward	27
Received in 1986	283
Total	310

DISTRIBUTION OF FILES OPENED BY LOCATION 1986

Figure 1.7

BRANDON OFFICE	
Brandon	12
Dauphin	2
MacGregor	1
McCreary	2
Minnedosa	1
Virden	2
Winnipegosis	1
	21

THE PAS OFFICE	
Camperville	1
Gillam	1
Leaf Rapids	1
Moose Lake	2
Sundance	1
Swan River	3
The Pas	3
Thompson	6
	18

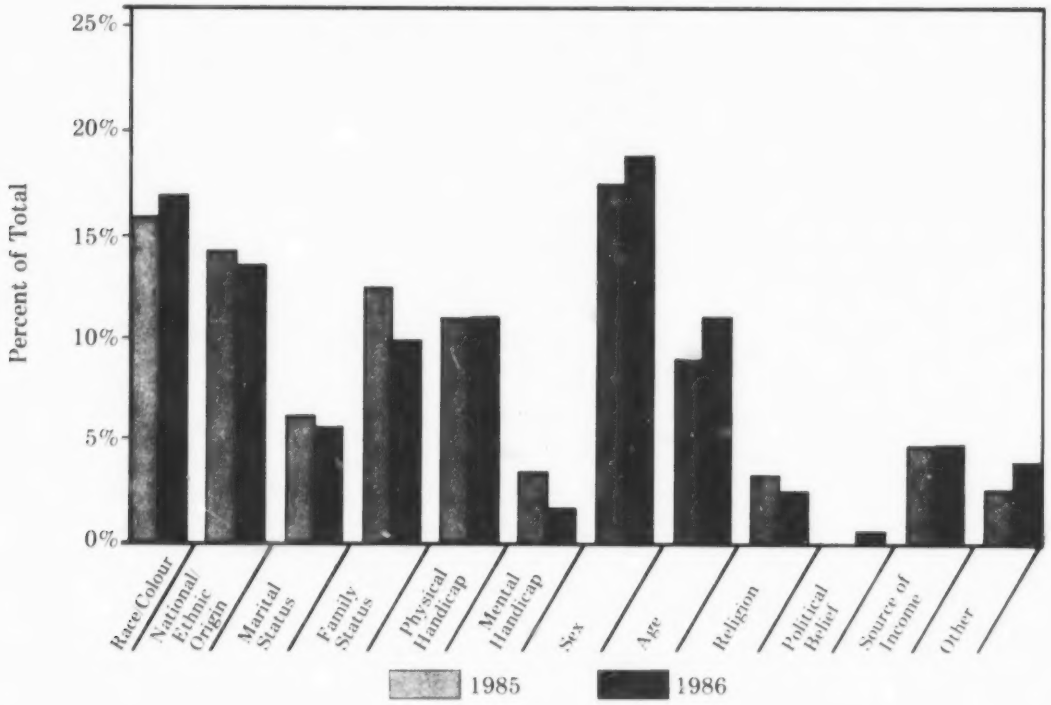
WINNIPEG OFFICE	
Altona	1
Beausejour	2
Boissevain	1
Eriksdale	1
Fisher Branch	1
Hadashville	1
Lac du Bonnet	1
Lynn Lake	1
McCreary	1
Morris	1
Pinawa	1
Portage la Prairie	1
Selkirk	2
Shilo	1
Ste Rose du Lac	1
Stead	1
Steinbach	1
Thompson	1
Winkler	2
Winnipeg	222
	244

TOTAL — 283

2. ENFORCEMENT STATISTICS

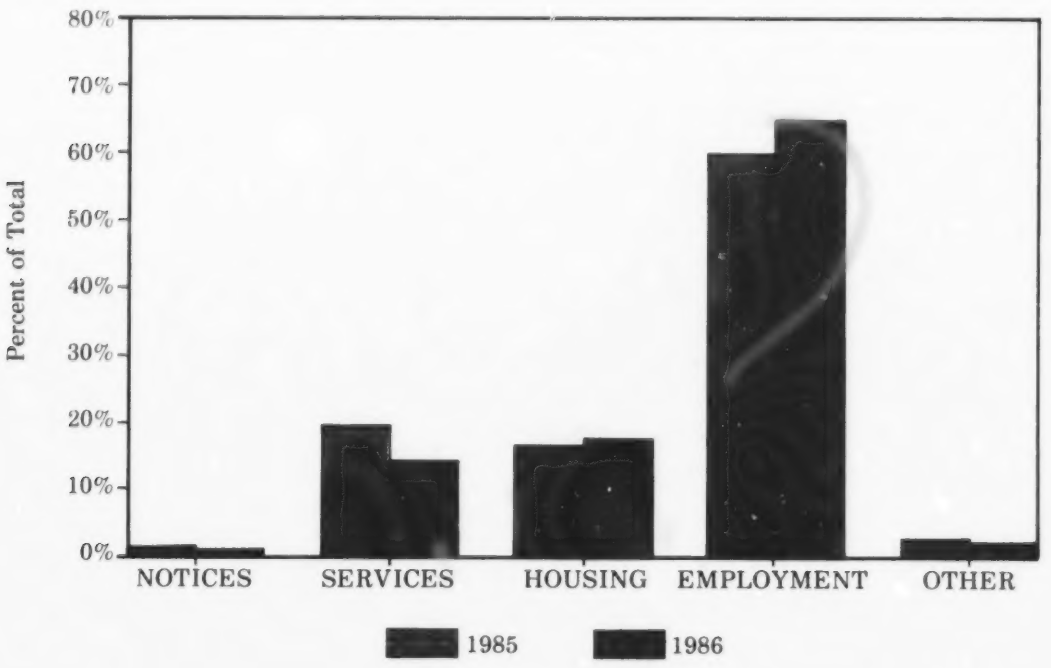
FORMAL COMPLAINTS BY GROUNDS 1985-1986

Figure 2.1



FORMAL COMPLAINTS BY STATUTORY CATEGORY 1985-1986

Figure 2.2



FORMAL COMPLAINTS FILED BY GROUNDS AND STATUTORY 1986

Figure 2.3

STATUTORY CATEGORY	Race/ Colour	Nationality Ethnic/National Origin	Marital Status	Family Status	Physical Handicap	Mental Handicap	Sex	Age	Religion	Political Belief	Source of Income	Other	TOTAL
Notices	2	0	0	0	0	0	0	0	2	0	0	0	4
Services	13	14	3	3	4	1	3	9	1	0	0	1	52
Housing	14	13	6	10	2	0	1	5	1	0	16	2	70
Employment	30	20	11	22	33	5	61	25	5	2	1	10	225
Other	1	1	0	0	0	0	2	0	0	0	0	1	5
Total	60	48	20	35	39	6	67	39	9	2	17	14	356*

*This is an inflated figure as the total complaints for 1986 were 245. The reason the figure is higher here is that many cases have more than one ground of discrimination.

TOTAL CASELOAD = 245

DISPOSITION OF FORMAL COMPLAINTS 1983-1986

Figure 2.4

DISPOSITION	1983		1984		1985		1986	
	#	%	#	%	#	%	#	%
Dismissed	189	67.0%	153	60.5%	125	47.9%	173	60.1%
Settled	84	29.8%	68	26.9%	62	23.8%	39	13.5%
Withdrawn	0	0.0%	14	5.5%	47	18.0%	62	21.5%
Unresolved	0	0.0%	0	0.0%	7	2.7%	4	1.4%
Referred	9	3.2%	18	7.1%	20	7.7%	10	3.5%
TOTAL	282	100.0%	253	100.0%	261	100.0%	288	100.0%

DISPOSITION OF FORMAL COMPLAINTS BY STATUTORY CATEGORY 1986

Figure 2.5

STATUTORY CATEGORY	DISMISSED	SETTLED	WITHDRAWN	UNRESOLVED	REFERRED	TOTAL
Notices	2	0	0	0	0	2
Services	35	8	7	0	1	51
Housing	22	10	16	1	3	52
Employment	110	21	39	2	5	177
Other	4	0	0	1	1	6
TOTAL	173	39	62	4	10	288

DISPOSITION OF FORMAL COMPLAINTS BY GROUNDS 1986

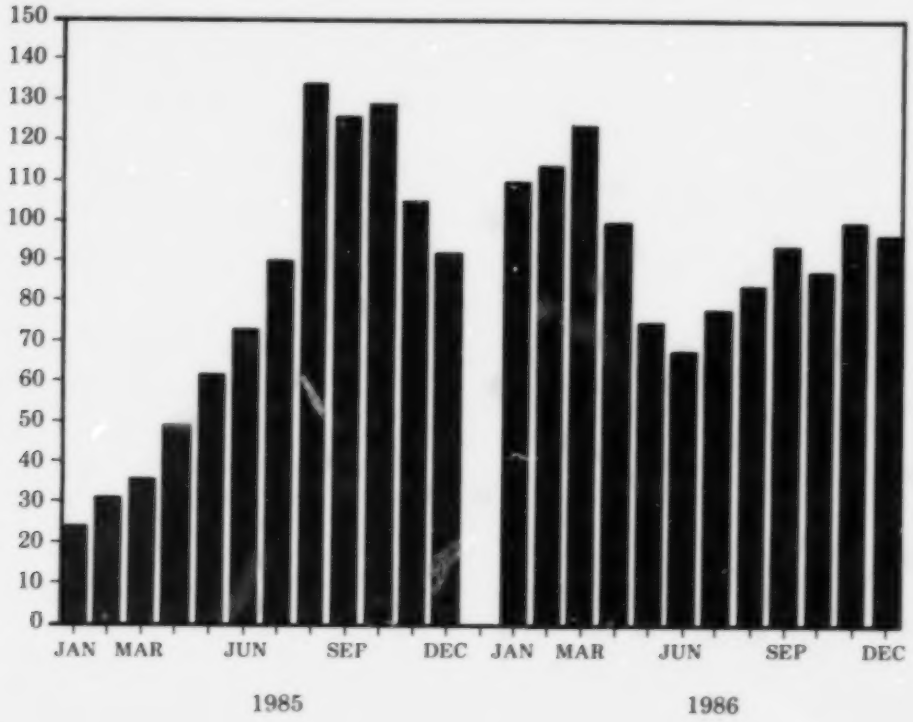
Figure 2.6

GROUNDS	DISMISSED	SETTLED	WITHDRAWN	UNRESOLVED	REFERRED	TOTAL
Race, colour	55	2	12	1	2	72
National/Ethnic Origin	43	3	11	1	1	59
Marital Status	9	8	5	1	1	24
Family Status	15	15	14	1	2	47
Physical Handicap	36	6	12	0	2	56
Mental Handicap	10	2	1	0	0	13
Sex	34	9	18	1	2	64
Age	19	11	7	0	2	39
Religion	5	1	2	0	1	9
Political Belief	2	0	0	0	0	2
Source of Income	7	4	10	1	0	22
Other	10	0	0	0	0	10
TOTAL	245	61	92	6	13	417*

*This is an inflated total as many complaints have more than one ground of discrimination.

UNASSIGNED COMPLAINTS IN BACKLOG 1985-1986

Figure 2.7



YEAR END COMPLAINT STATUS REPORT FOR 1986

Figure 2.8

	WINNIPEG	BRANDON	THE PAS	TOTAL
Brought forward from previous year	303	22	20	345
Complaints filed in 1986	208	25	12	245
	511	47	32	590
Completed in 1986	251	26	11	288
Complaints in progress at year end	260	21	21	302
Status at Year End				
In investigation	149	17	19	185
In conciliation	10	4	2	16
In backlog	97	0	0	97
Pending closure	4	0	0	4
Total	260	21	21	302

3. SPEAKER SERVICE STATISTICS

TOTAL SPEAKER SERVICE ACTIVITY 1985-1986

Figure 3.1

	1985	1986
Speaking Engagements	125*	89
Consultations	7	5
Outreach Contacts	100	110
Information Booths	1	5
Media Contacts	69	83
Total	302	292

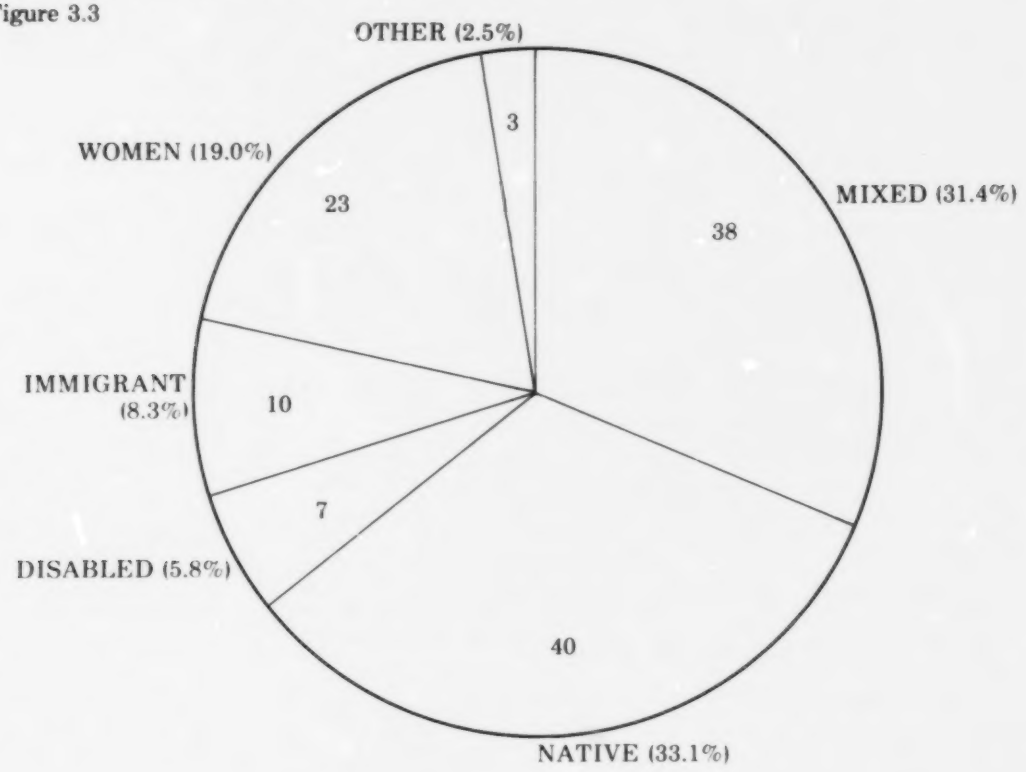
*This includes 20 speaking engagements by volunteers under the Volunteer Program which was discontinued in 1985 due to insufficient resources.

GENERAL AUDIENCE CHARACTERISTICS (excluding media) 1986

Figure 3.2

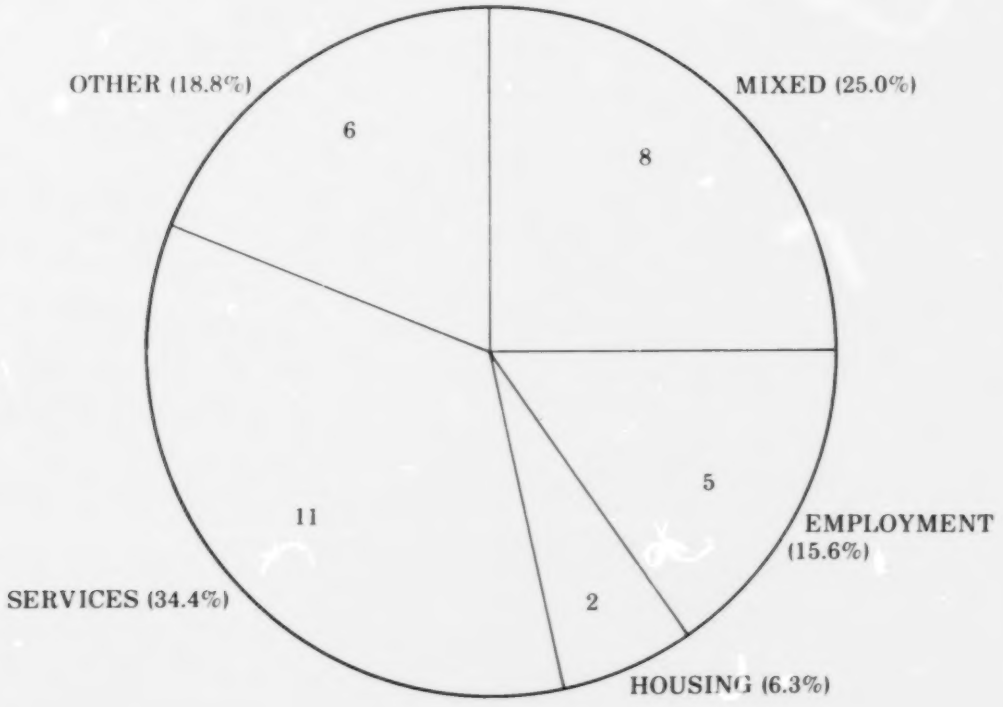
MINORITY GROUP AUDIENCES 1986

Figure 3.3



BUSINESS GROUP AUDIENCES 1986

Figure 3.4



4. SPECIAL PROGRAMS/AFFIRMATIVE ACTION STATISTICS

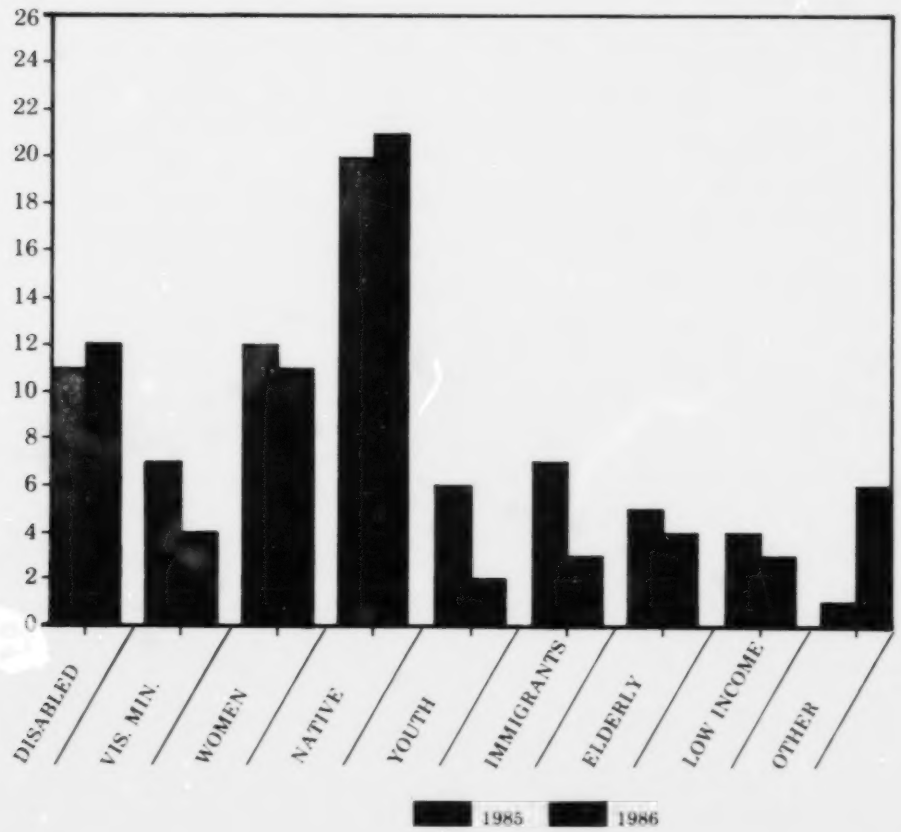
APPLICATIONS FOR APPROVAL 1982-1986

Figure 4.1

	1982	1983	1984	1985	1986
Applications Received	5	13	25	40	34
Approved	5	13	25	26	28
Rejected/Withdrawn	0	0	0	4	4
Decision Pending at Year End	0	0	0	10	12

PROGRAMS APPROVED BY TARGET GROUP 1985-1986

Figure 4.2



APPENDIX D

THE COMMISSIONERS

CLAUDIA WRIGHT — Chairperson

Claudia Wright, B.A., M.A., Ph.D., is a professor of Political Science at the University of Winnipeg. She is active in many organizations that are involved in human rights issues and also has academic interests that complement her commitment to civic education and participation.

MAREK DEBICKI — Vice-Chairperson

Marek Debicki is a member of several civil rights organizations. He teaches civil rights at the University of Manitoba.

MARIANNE BOSSEN (Joined the Commission August 1986)

Marianne Bossen, M.A. (Econ.), is a Consultant on Employment and Social Policy. She has pioneered research into equal opportunities for women in employment. In recent years, prompted by personal experience with disability, she has become involved in the concerns of physically handicapped persons. She serves on the Board of the Downtown Branch of the Y.M.-Y.W.C.A., and on the Board of Management of the Canadian Paraplegic Association (Manitoba Division).

LOUISE CLOUTIER

Louise Cloutier is a writer and freelance broadcaster. For several years, she has been committed to minority and linguistic rights and is a member of several women's rights organizations.

WAYNE COURCHENE

Wayne Courchene, born in Pine Falls, Manitoba, was schooled at the Fort Alexander Residential School on the reserve until he migrated to Winnipeg in 1962 where he graduated from high school and the University of Manitoba. Mr. Courchene is presently working for Training and Employment Agency of the Core Area Initiative.

BRIGITTE GRABA (Joined the Commission August 1986)

Brigitte Graba has worked at Rossbrook House in the core area of Winnipeg since 1983. Her main concern is youth employment and she has been active in both the Summer Employment Action Committee and Fair Action for Community Employment. Ms. Graba is currently a member of the board of the North End Women's Centre and a volunteer of the Networking Committee of the German Canadian Congress.

FRANCESCO (FRANK) GRANDE (Joined the Commission August 1986)

Frank Grande, an owner/manager of Delgran Real Estate, is currently President of the Italian Canadian League of Manitoba. He is an active member of various community groups and has served as Vice-Chairperson of the Manitoba Advisory Council on Immigration and Ethnic Relations, member of the Board of the Italia Credit Union and representative for the Italian community on the Manitoba Intercultural Council.

SOCORRO (CORY) JUAN (Joined the Commission August 1986)

Cory Juan is a Grade 4 teacher at John M. King Elementary School. She is President of the Manitoba Association of Filipino Teachers Inc., Past-Secretary of the Manitoba Association for the Promotion of Ancestral Language, an advisor of the Seven Oaks Filipino Parents Council and the Maples Filipino Neighbourhood Association, and a member of the Ministerial Committee on the Status of Women. Ms. Juan is an active parishioner of St. Peters Church and is Co-Chairperson of the Liturgy Committee.

RAJ MEHTA

Raj Mehta, B.Sc., LL.B., is General Manager of Lansy Enterprises Ltd. He is dedicated to the cause of human rights and is active in various cultural and community groups. Mr. Mehta is Past-President of the Winnipeg Chapter of the National Association of Canadians of Origins in India and a member of the Multicultural Advisory Committee.

JILL OLIVER

Jill Oliver has lived in Winnipeg since 1972. She received her law degree from the University of Manitoba in 1977 and was called to the Manitoba Bar in 1978. Ms. Oliver has practiced law in Winnipeg since 1978 and is a former Bencher with the Law Society of Manitoba. She has been active in the women's movement since 1973, is Past-President of Family Services of Winnipeg and is a member of various civil rights organizations.

MARION ROBINSONG

Marion Robinsong, born and raised in Brandon, Manitoba, is a Resource Teacher with the Brandon School Division. She holds Bachelors degrees in Arts and Education from Brandon University and also attended the University of Santa Barbara for a post-graduate year of Studies in Education. She is active in many organizations involved with human rights, personal counselling, improved parenting and home schooling as well as the Manitoba Association of Resource Teachers.

LORRAINE SIGURDSON (Joined the Commission February 1986)

Lorraine Sigurdson is a Staff Representative with the Canadian Union of Public Employees (C.U.P.E.). She has been active with C.U.P.E. for over ten years and was previously President of C.U.P.E. Local 1550 at the Health Sciences Centre and Secretary of the Manitoba Division of C.U.P.E. Ms. Sigurdson has also served on numerous C.U.P.E. committees including the Equal Rights and Opportunities Committee.

PATRICIA TURNER (Joined the Commission February 1986)

Patricia Turner is currently Chief of the Grand Rapids Indian Band. She is active in her community and has served on a number of boards and committees. Ms. Turner has also acted as an advisor for the Southeast Resource Development Council, the Department of Indian Affairs, the Swampy Cree Tribal Council and Band Administrator for the Grand Rapids Indian Band.

APPENDIX E

The Manitoba Human Rights Commission Publications List

Guidelines: Housing (1985)

— This 15 page booklet sets out the housing provisions of *The Manitoba Human Rights Act.* Of interest to owners, apartment managers, rental agencies, tenants and members of the public.

Guidelines: Pre-employment Inquiries (1984)

— Outlines, in 14 pages, the pre-employment provisions of *The Manitoba Human Rights Act.* Information is likely to be of use to employers, personnel departments, employment agencies, people seeking employment, and members of the general public.

Inventory of Human Rights Teaching Materials (1984)

— Contains a bibliography of human rights teaching materials available in Manitoba. Materials are for use in the classroom or as source books for teachers (26 pages).

The Manitoba Human Rights Act (Brochure)*

— Outlines the basic provisions of Manitoba's human rights legislation.

The Manitoba Human Rights Commission Annual Report

— Contains information on the Commission's structure and function, major activities of the past year, case examples, statistical highlights.

Sexual Harassment: Does it affect your workplace?/Does it affect you? (Brochure)

— Contains information for both employers and employees on what constitutes sexual harassment and what can be done about it.

Guidelines for Taxicab Owner/ Operators and Disabled Passengers (Brochure)

— Sets out the rights and responsibilities of cab drivers serving taxi customers or potential customers with physical disabilities. Also contains tips to drivers for providing effective, quality service to handicapped customers.

A Guide for Respondents (Brochure)

— Outlines the rights and responsibilities of employers, proprietors, rental agents, etc. under *The Human Rights Act.*

Posters

Canadian Bill of Rights

The Manitoba Human Rights Act prohibits discrimination in Employment

The Manitoba Human Rights Act prohibits discrimination in Rental Housing

The Manitoba Human Rights Act prohibits discrimination in Services and Accommodations

*Available in both French and English.

Audio-Visual Materials

"The Eye of the Storm", New York: American Broadcasting Companies Inc., 1970 (28 min.)

Documentary about a 3rd grade teacher who uses eye-colour as a basis to teach students the realities of prejudice and discrimination.

A list of discussion questions has been developed to accompany this film.

"Buttonville", The Alberta Human Rights Commission, 1979. (25 min.)

Cartoon story about plant people who are all required to wear identifying buttons. When one of the plant people loses his button the whole town learns a lesson about labelling.

A Teacher's Guide is also available which includes various learning activities for Grades 1-3 and Grades 4-6.

"A Different Approach", The South Bay Mayor's Committee for Employment of the Handicapped, 1978 (20 min.)

Designed to dispel myths and prejudices about employment of the handicapped, the film contains a series of comedy vignettes presenting handicapped individuals performing various job functions.

"The Workplace Hustle", Clark Communications, 1980. (30 min.)

A group of women and a group of men discuss sexual harassment in the workplace. Lin Farley, author of *Sexual Shakedown*, talks about sexual harassment, why it happens and the effect it has on its victims.

A list of discussion questions has been developed to accompany this film.

"Preventing Sexual Harassment", BNA Communications, 1980 (20 min.)

The film discusses examples of sexual harassment and informal and formal ways with which it can be dealt. Legal avenues discussed are based on American law.

"See What I Say", Michigan Women Filmmakers, 1981. (25 min.)

The deaf discuss how American Sign Language enables them to communicate. A concert for the deaf by Holly Near illustrates the expressiveness and beauty of the language.

"What You Should Know About the Human Rights Act"

Video-tapes VHS and Beta format available.

— This 30 minute video-tape includes basic information about *The Human Rights Act.* It is divided into three segments each containing the same information. Segment 1 is in the Cree language. Segment 2 is in the Island Lake Dialect and the third segment is in Saulteaux (Ojibway language). Each segment deals with an explanation about the Commission, the protection offered under *The Act* and information pertaining to complaints.

"Human Rights for the Deaf", 1982 (29 min.)

Video-tape 3/4 in. format.

— A presentation about human rights made to the Kiwanis Centre for the Deaf, which was video-taped by Channel 13. It includes simultaneous translation in American Sign Language (ASL).

"The Charter and You"

Video-tape 3/4 in. format.

— This 60 minute video-tape, prepared by Confederation College of Applied Arts and Technology for the Department of the Secretary of State, Canada, is accompanied by a Reference Guide and Teacher's Guide. It is intended to be an introduction to *The Charter's* provisions and how they impact upon individual Canadians in their every-day affairs.

APPENDIX F

Evolution of the Manitoba Human Rights Act

Group Factor / Grounds of Complaint	Notices/ Signs/ Symbols	Accommo-dations/ Services/ Facilities	Housing	Purchase of Property	Employ-ment	Contracts
Race	1970	1970	1970	—	1970	1970
	1974	1974	1974	1974	1974	1974
	1976	1976	1976	1976	1976	1976
Colour	1970	1970	1970	—	1970	1970
	1974	1974	1974	1974	1974	1974
	1976	1976	1976	1976	1976	1976
Nationality	—	1970	1970	—	1970	—
	1974	1974	1974	1974	1974	1974
	1976	1976	1976	1976	1976	1976
Ethnic/ National Origin	1970	1970	1970	—	1970	1970
	1974	1974	1974	1974	1974	1974
	1976	1976	1976	1976	1976	1976
Sex	1970	—	—	—	1970	1970
	1974	1974	1974	1974	1974	1974
	1976	1976	1976	1976	1976	1976
Marital Status	—	—	—	—	—	—
	1974	—	—	1974	1974	1974
	1976	1976	1976	1976	1976	1976
Age	—	—	—	—	—	—
	—	1974	1974	1974	1974	1974
	1976	1976	1976	1976	1976	1976
Family Status	—	—	—	—	—	—
	—	—	—	—	—	—
	1976	1982	1976	1982	1976	1976
Source of Income	—	—	—	—	—	—
	—	—	1974	—	—	—
	1976	—	1976	—	—	—
Religion	1970	1970	1970	—	1970	1970
	1974	1974	1974	1974	1974	1974
	1976	1976	1976	1976	1976	1976
Political Belief	—	—	—	—	—	—
	—	—	—	—	1974	—
	—	—	—	—	1976	—
Physical Handicap	1977	1977	1977	1977	1977	1977
Mental Handicap	1982	1982	1982	1982	1982	1982

APPENDIX G

MHRC USE ONLY Rec'd. by: _____ Date: _____

Complaint of Discrimination Under The Manitoba Human Rights Act

File Number: _____ Page _____ of _____

Name and Address of the person(s) filing the complaint (hereinafter called "the Complainant")	Name and Address of the person(s) complained against (hereinafter called "the Respondent"):
Name and Address of any person or class of persons discriminated against in addition to or other than the Complainant(s).	

The Complainant alleges that in the Province of Manitoba { on or about the _____ day of _____, 19__; **OR** on a continuing basis up to and including the _____ day of _____, 19__;

that the Respondent(s) did contravene section(s) _____ of **The Human Rights Act,** or any other applicable section, as follows:

SAMPLE

I certify that the foregoing information is correct to the best of my knowledge and I believe that the events described above constitute a contravention of **The Human Rights Act.**

I hereby confirm that the Manitoba Human Rights Commission and its officers have my consent to examine and/or make copies of any and all records, reports, documents or data, including all medical records, as may be required, in the investigation of this complaint.

City/Town Complaint Signed At	Date Day | Month | Year	Signature of Complainant